

NATIONAL INVASIVE SPECIES ACT OF 1996

SEPTEMBER 20, 1996.—Ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3217]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3217) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the “National Invasive Species Act of 1996”.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) FINDINGS; DEFINITIONS.—

(1) FINDINGS.—Section 1002(a) (16 U.S.C. 4701(a)) is amended—

(A) by striking paragraphs (2) and (3) and inserting the following new paragraphs:

“(2) when environmental conditions are favorable, nonindigenous species become established and may disrupt the aquatic environment and economy of affected nearshore areas;

“(3) the zebra mussel was unintentionally introduced into the Great Lakes and has infested—

“(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

“(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

“(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;”;

(B) in paragraph (4)—

(i) by inserting “by the zebra mussel and ruffe, round goby, and other nonindigenous species” after “other species”; and

(ii) by striking “and” at the end;

(C) in paragraph (5), by striking the period and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

“(6) in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;

“(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

“(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

“(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

“(10) since their introduction in the early 1980’s in ballast water discharges, ruffe—

“(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

“(B) have spread to Lake Huron; and

“(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

“(11) examples of nonindigenous species that, as of the date of enactment of the National Invasive Species Act of 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—

“(A) the mitten crab (*Eriochei sinensis*) that has become established on the Pacific Coast;

“(B) the green crab (*Carcinus maenus*) that has become established in the coastal waters of the Atlantic Ocean;

“(C) the brown mussel (*Perna perna*) that has become established along the Gulf of Mexico; and

“(D) certain shellfish pathogens;

“(12) many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

“(13) if preventive management measures are not taken nationwide to prevent and control of unintentionally introduced nonindigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

“(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

“(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of, among others, the Federal Government and State governments, and investment in the development of prevention technologies.”.

(2) DEFINITIONS.—Section 1003 (16 U.S.C. 4702) is amended—

(A) in paragraph (1), by striking “the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries” and inserting “the Committee on Transportation and Infrastructure and the Committee on Resources”;

(B) in paragraph (3), by striking “assistant Secretary” and inserting “Assistant Secretary”;

(C) by redesignating paragraphs (9) through (15) as paragraphs (12) through (18), respectively; and

(D) by inserting after paragraph (8) the following:

“(9) ‘Great Lakes region’ means the 8 States that border on the Great Lakes;
 “(10) ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

“(11) ‘interstate organization’ means an entity—

“(A) established by—

“(i) an interstate compact that is approved by Congress;

“(ii) a Federal statute; or

“(iii) a treaty or other international agreement with respect to which the United States is a party; and

“(B)(i) that represents 2 or more—

“(I) States or political subdivisions thereof; or

“(II) Indian tribes; or

“(ii) that represents—

“(I) 1 or more States or political subdivisions thereof; and

“(II) 1 or more Indian tribes; or

“(iii) that represents the Federal Government and 1 or more foreign governments; and

“(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;”.

(b) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—

(1) AMENDMENT TO HEADING.—The heading to subtitle B (16 U.S.C. 4711 et seq.) is amended to read as follows:

“Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species”.

(2) AQUATIC NUISANCE SPECIES.—Section 1101 (16 U.S.C. 4711) is amended to read as follows:

“SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.

“(a) GREAT LAKES GUIDELINES.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

“(2) CONTENT OF GUIDELINES.—The guidelines issued under this subsection shall—

“(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

“(B) protect the safety of—

“(i) each vessel; and

“(ii) the crew and passengers of each vessel;

“(C) take into consideration different vessel operating conditions; and

“(D) be based on the best scientific information available.

“(b) REGULATIONS.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

“(2) CONTENT OF REGULATIONS.—The regulations issued under this subsection shall—

“(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

“(B) require a vessel to—

“(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

“(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species.”

sance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

“(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

“(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

“(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary’s designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

“(F) protect the safety of—

“(i) each vessel; and

“(ii) the crew and passengers of each vessel;

“(G) take into consideration different operating conditions; and

“(H) be based on the best scientific information available.

“(3) ADDITIONAL REGULATIONS.—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

“(4) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

“(c) VOLUNTARY NATIONAL GUIDELINES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

“(2) CONTENT OF GUIDELINES.—The voluntary guidelines issued under this subsection shall—

“(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

“(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

“(C) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

“(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

“(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

“(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

“(D) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

“(i) ship operations other than ballast discharge; and

“(ii) ballasting practices of vessels that enter waters of the United States with no ballast on board;

“(E) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (h), in order to enable the Secretary to determine compliance with the guidelines, including—

- “(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and
 - “(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;
 - “(F) provide for sampling procedures to monitor compliance with the guidelines;
 - “(G) protect the safety of—
 - “(i) each vessel; and
 - “(ii) the crew and passengers of each vessel;
 - “(H) take into consideration—
 - “(i) variations in the characteristics of point of origin and receiving water bodies;
 - “(ii) variations in the ecological conditions of waters and coastal areas of the United States; and
 - “(iii) different operating conditions;
 - “(I) be based on the best scientific information available; and
 - “(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
- “(3) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.
- “(d) PERIODIC REVIEW AND REVISION.—
- “(1) IN GENERAL.—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—
- “(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;
 - “(B) establish the rate of compliance that is based on the assessment under subparagraph (A);
 - “(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and
 - “(D) as necessary, on the basis of the best scientific information available—
 - “(i) revise the guidelines and regulations referred to in subparagraph (A);
 - “(ii) promulgate additional regulations pursuant to subsection (e)(1);
- or
- “(iii) carry out each of clauses (i) and (ii).
- “(2) SPECIAL REVIEW AND REVISION.—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—
- “(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and
 - “(B) as necessary, in the same manner as provided under paragraph (1)(D)—
 - “(i) revise those guidelines;
 - “(ii) promulgate additional regulations pursuant to subsection (e)(1);
- or
- “(iii) carry out each of clauses (i) and (ii).
- “(3) CRITERIA FOR EFFECTIVENESS.—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).
- “(e) AUTHORITY OF SECRETARY.—
- “(1) GENERAL REGULATIONS.—If, on the basis of a periodic review conducted under subsection (d)(1) or a special review conducted under subsection (d)(2), the Secretary determines that—
- “(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

“(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those guidelines and provide a rate of compliance of vessels, including the assessment of the rate of compliance of vessels under subsection (d)(2), the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

“(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated by the Secretary under paragraph (1)—

“(A) shall—

“(i) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

“(ii) provide for the enforcement of the regulations; and

“(B) may be regional in scope.

“(f) SANCTIONS.—

“(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under subsection (b) or (e) shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

“(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under subsection (b) or (e) is guilty of a class C felony.

“(3) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (e).

“(g) COORDINATION WITH OTHER AGENCIES.—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots’ associations.

“(h) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

“(i) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.”

(c) NATIONAL BALLAST WATER MANAGEMENT INFORMATION.—Section 1102 (16 U.S.C. 4712) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.”;

(2) in subsection (a)—

(A) in paragraphs (1) and (2), by inserting “, in cooperation with the Secretary,” before “shall conduct” each place it appears;

(B) in paragraph (2), by inserting “Lake Champlain and other” after “economic uses of”;

(3) by striking subsection (b) and inserting the following:

“(b) ECOLOGICAL AND BALLAST DISCHARGE SURVEYS.—

“(1) ECOLOGICAL SURVEYS.—

“(A) IN GENERAL.—The Task Force, in cooperation with the Secretary, shall conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, and Honolulu Harbor and, as necessary, of other estuaries of national significance and other waters that the Task Force determines—

“(i) to be highly susceptible to invasion by aquatic nuisance species resulting from ballast water operations and other operations of vessels; and

“(ii) to require further study.

“(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

“(i) examine the attributes and patterns of invasions of aquatic nuisance species; and

“(ii) provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued and regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

“(2) BALLAST DISCHARGE SURVEYS.—

“(A) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

“(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

“(i) examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and

“(ii) assess the effectiveness of voluntary guidelines issued, and regulations promulgated, under this subtitle in altering ballast discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.”; and

(4) by adding at the end the following new subsections:

“(e) REGIONAL RESEARCH GRANTS.—Out of amounts appropriated to carry out this subsection for a fiscal year, the Secretary of the Smithsonian Institution shall—

“(1) award not to exceed \$750,000 to the Chesapeake Research Consortium to fund research on aquatic nuisance species prevention and control in the Chesapeake Bay through competitive grants to universities and research institutions;

“(2) award not to exceed \$500,000 to the Louisiana Universities Marine Consortium to fund research on aquatic nuisance species prevention and control in the Gulf of Mexico through competitive grants to universities and research institutions;

“(3) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Pacific Coast through competitive grants to universities and research institutions; and

“(4) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Atlantic Coast through competitive grants to universities and research institutions.

“(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

“(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

“(A) ballasting practices;

“(B) compliance with the guidelines issued pursuant to section 1101(c);

and

“(C) any other information obtained by the Task Force under subsection

(b).

“(2) REPORT.—In consultation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate Committees, on a biannual basis, a report that synthesizes and analyzes the data referred to in paragraph (1) relating to—

“(A) ballast water delivery and management; and

“(B) invasions of aquatic nuisance species resulting from ballast water.”.

(d) ARMED SERVICES BALLAST WATER PROGRAM; BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new sections:

“SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.

“(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

“(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

“SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

“(a) **TECHNOLOGIES AND PRACTICES DEFINED.**—For purposes of this section, the term ‘technologies and practices’ means those technologies and practices that—

- “(1) may be retrofitted—
 - “(A) on existing vessels or incorporated in new vessel designs; and
 - “(B) on existing land-based ballast water treatment facilities;
- “(2) may be designed into new water treatment facilities;
- “(3) are operationally practical;
- “(4) are safe for a vessel and crew;
- “(5) are environmentally sound;
- “(6) are cost-effective;
- “(7) a vessel operator is capable of monitoring; and
- “(8) are effective against a broad range of aquatic nuisance species.

“(b) DEMONSTRATION PROGRAM.—

“(1) **IN GENERAL.**—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.

“(2) **LOCATION.**—The installation and construction of the technologies and practices used in the demonstration program conducted under this subsection shall be performed in the United States.

“(3) **VESSEL SELECTION.**—In demonstrating technologies and practices on vessels under this subsection, the Secretary of the Interior, shall—

- “(A) use only vessels that—
 - “(i) are approved by the Secretary;
 - “(ii) have ballast systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and
 - “(iii) are—
 - “(I) publicly or privately owned; and
 - “(II) in active use for trade or other cargo shipment purposes during the demonstration;
- “(B) select vessels for participation in the program by giving priority consideration—
 - “(i) first, to vessels documented under chapter 121 of title 46, United States Code;
 - “(ii) second, to vessels that are a majority owned by citizens of the United States, as determined by the Secretary; and
 - “(iii) third, to any other vessels that regularly call on ports in the United States; and
- “(C) seek to use a variety of vessel types, including vessels that—
 - “(i) call on ports in the United States and on the Great Lakes; and
 - “(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.

“(4) **SELECTION OF TECHNOLOGIES AND PRACTICES.**—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National Academy of Sciences in its report on ships’ ballast operations issued in July 1996.

“(5) **REPORT.**—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, the Secretary of the Interior shall prepare and submit a report to the appropriate Committees on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations of the Secretary of the Interior concerning technologies and practices.

“(c) AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.—

“(1) **AUTHORITIES.**—In conducting the demonstration program under subsection (b), the Secretary of the Interior may—

- “(A) enter into cooperative agreements with appropriate officials of other agencies of the Federal Government, agencies of States and political subdivisions thereof, and private entities;
- “(B) accept funds, facilities, equipment, or personnel from other Federal agencies; and

“(C) accept donations of property and services.

“(2) CONSULTATION AND COOPERATION.—The Secretary of the Interior shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section.”.

(e) AMENDMENTS TO SUBTITLE C.—

(1) SUBTITLE HEADING.—The heading to subtitle C (16 U.S.C. 4721 et seq.) is amended to read as follows:

“Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal”.

(2) TASK FORCE.—Section 1201 (16 U.S.C. 4721) is amended—

(A) in subsection (b)—

(i) by striking “and” at the end of paragraph (5);

(ii) by redesignating paragraph (6) as paragraph (7); and

(iii) by inserting after paragraph (5) the following new paragraph:

“(6) the Secretary of Agriculture; and”; and

(B) in subsection (c), by inserting “the Chesapeake Bay Program,” before “and State agencies”.

(3) RESEARCH PROGRAM.—Section 1202 (16 U.S.C. 4722) is amended—

(A) in subsection (f)(1)(A), by inserting “and impacts” after “economic risks”; and

(B) in subsection (i)—

(i) in paragraph (1)—

(I) by striking “(1) IN GENERAL.—The Task Force” and inserting the following:

“(1) ZEBRA MUSSEL.—

“(A) IN GENERAL.—The Task Force”;

(II) by striking “(A) research” and inserting the following:

“(i) research”;

(III) by striking “(B) tracking” and inserting the following:

“(ii) tracking”;

(IV) by striking “(C) development” and inserting the following:

“(iii) development”; and

(V) by striking “(D) provision” and inserting the following:

“(iv) provision”;

(ii) in paragraph (2), by striking “(2) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—” and inserting the following:

“(B) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—”;

(iii) in subparagraph (B) of paragraph (1), as so redesignated, by striking the first sentence and inserting the following: “The Assistant Secretary, in consultation with the Task Force, shall develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities.”;

(iv) in paragraph (1), by adding after subparagraph (B), as so redesignated, the following new subparagraph:

“(C) VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this subparagraph, the Task Force shall develop and submit to the Secretary voluntary guidelines for controlling the spread of the zebra mussel and, if appropriate, other aquatic nuisance species through recreational activities, including boating and fishing. Not later than 4 months after the date of such submission, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines that are based on the guidelines developed by the Task Force under this subparagraph.”; and

(v) by adding at the end the following new paragraphs:

“(2) DISPERSAL CONTAINMENT ANALYSIS.—

“(A) RESEARCH.—The Administrator of the Environmental Protection Agency, in cooperation with the National Science Foundation and the Task Force, shall provide research grants on a competitive basis for projects that—

“(i) identify environmentally sound methods for controlling the dispersal of aquatic nuisance species, such as the zebra mussel; and

“(ii) adhere to research protocols developed pursuant to subsection (f)(2).

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this paragraph, \$500,000.

“(3) DISPERSAL BARRIER DEMONSTRATION.—

“(A) IN GENERAL.—The Assistant Secretary, in consultation with the Task Force, shall investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.

“(B) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the Assistant Secretary shall issue a report to the appropriate Committees that includes recommendations concerning—

“(i) which of the methods that are identified under the study conducted under this paragraph are most promising with respect to preventing and reducing the dispersal of aquatic nuisance species; and

“(ii) ways to incorporate those methods into ongoing operations of the United States Army Corps of Engineers that are conducted at the Chicago River Ship and Sanitary Canal.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army, to carry out this paragraph, \$750,000.

“(4) CONTRIBUTIONS.—To the extent allowable by law, in carrying out the studies under paragraphs (2) and (3), the Administrator of the Environmental Protection Agency and the Secretary of the Army may enter into an agreement with an interested party under which that party provides in kind or monetary contributions for the study.

“(5) TECHNICAL ASSISTANCE.—The Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration shall provide technical assistance to the Lake Champlain Research Consortium to assist in the research conducted by that consortium pursuant to this subsection.”.

(4) IMPLEMENTATION.—Section 1202(j)(1) (16 U.S.C. 4722(j)(1)) is amended by striking “Not later than 18 months after the date of the enactment of this Act, the Director” and inserting “The Director, the Secretary,”.

(5) REGIONAL COORDINATION.—Section 1203 (16 U.S.C. 4723) is amended—

(A) by striking the section heading and inserting the following:

“SEC. 1203. REGIONAL COORDINATION.”;

(B) in subsection (a)—

(i) by striking “(a) IN GENERAL.—Not” and inserting the following:

“(a) GREAT LAKES PANEL.—

“(1) IN GENERAL.—Not”;

(ii) by striking “(1) identify” and inserting the following:

“(A) identify”;

(iii) by striking “(2) make” and inserting the following:

“(B) make”;

(iv) by striking “(3) assist” and inserting the following:

“(C) assist”;

(v) by striking “(4) coordinate” and inserting the following:

“(D) coordinate”;

(vi) by striking “(5) provide” and inserting the following:

“(E) provide”;

(vii) by striking “(6) submit” and inserting the following:

“(F) submit”;

(viii) in paragraph (1), as so redesignated—

(I) in the matter preceding subparagraph (A), by inserting “region” before “representatives”; and

(II) in subparagraphs (A) through (F), by striking “Great Lakes” each place it appears and inserting “Great Lakes region”;

(C) by striking “(b) CONSULTATION.—The Task Force” and inserting the following:

“(2) CONSULTATION.—The Task Force”;

(D) by striking “(c) CANADIAN PARTICIPATION.—The panel” and inserting the following:

“(3) CANADIAN PARTICIPATION.—The panel”;

(E) in paragraphs (2) and (3) of subsection (a), as so redesignated, by striking “this section” and inserting “this subsection”; and

(F) by adding at the end the following new subsections:

“(b) WESTERN REGIONAL PANEL.—Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to—

“(1) identify priorities for the Western region with respect to aquatic nuisance species;

“(2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

“(3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;

“(4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;

“(5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

“(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.

“(c) ADDITIONAL REGIONAL PANELS.—The Task Force shall—

“(1) encourage the development and use of regional panels and other similar entities in regions in addition to the Great Lakes and Western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsections (a) and (b); and

“(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).”.

(6) STATE OR INTERSTATE WATERSHED AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—Section 1204 (16 U.S.C. 4724) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading and inserting the following:

“(a) STATE OR INTERSTATE INVASIVE SPECIES MANAGEMENT PLANS.—”;

(ii) in paragraph (1)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

“(1) IN GENERAL.—After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit—”;

(II) in subparagraph (A), by striking “technical and financial assistance” and inserting “technical, enforcement, or financial assistance (or any combination thereof)”; and

(III) in subparagraphs (A) and (B), by inserting “or within the interstate region involved” after “within the State” each place it appears;

(iii) in paragraph (2)—

(I) in subparagraph (B), by striking “and” at the end of the subparagraph;

(II) by redesignating subparagraph (C) as subparagraph (D);

(III) by inserting after subparagraph (B) the following:

“(C) identify any authority that the State (or any State or Indian tribe involved in the interstate organization) does not have at the time of the development of the plan that may be necessary for the State (or any State or Indian tribe involved in the interstate organization) to protect public health, property, and the environment from harm by aquatic nuisance species; and”;

(IV) in subparagraph (D), as so redesignated, by inserting “, and enabling legislation” before the period;

(iv) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by inserting “or interstate organization” after “the State”; and

(bb) by inserting “Indian tribes,” after “local governments and regional entities,”; and

- (II) in subparagraph (B), by inserting “or the appropriate official of an interstate organization” after “a State”; and
- (v) in paragraph (4), by inserting “or the interstate organization” after “the Governor”;
- (B) in subsection (b)(1)—
- (i) by striking “or the Assistant Secretary, as appropriate under subsection (a),”; and
- (ii) by striking “approved management plans” and inserting “management plans approved under subsection (a)”; and
- (C) by adding at the end the following new subsection:
- “(c) ENFORCEMENT ASSISTANCE.—Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141 of title 14, United States Code, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan.”
- (f) AUTHORIZATIONS OF APPROPRIATIONS.—Section 1301 (16 U.S.C. 4741) is amended—
- (1) in subsection (a)—
- (A) by striking “and” at the end of paragraph (2);
- (B) by striking paragraph (3) and inserting the following:
- “(3) to the Secretary to carry out section 1101—
- “(A) \$2,000,000 for each of fiscal years 1997 and 1998; and
- “(B) \$3,000,000 for each of fiscal years 1999 through 2002;”; and
- (C) by adding at the end the following new paragraphs:
- “(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—
- “(A) \$1,000,000 to the Department of the Interior, to be used by the Director; and
- “(B) \$1,000,000 to the Secretary; and
- “(5) for each of fiscal years 1997 through 2002—
- “(A) \$2,250,000 to the Secretary of the Smithsonian Institution to carry out section 1102(e); and
- “(B) \$500,000 to the Secretary to carry out section 1102(f).”;
- (2) in subsection (b)—
- (A) in the matter preceding paragraph (1), by striking “1991, 1992, 1993, 1994, and 1995” and inserting “1997 through 2002”; and
- (B) by striking paragraphs (1) through (7) and inserting the following:
- “(1) \$6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;
- “(2) \$1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;
- “(3) \$1,625,000 to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration and the Lake Champlain Research Consortium, of which \$500,000 shall be used by the Lake Champlain Research Consortium;
- “(4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:
- “(A) \$4,000,000 to fund grants under section 206 of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322); and
- “(B) \$1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;
- “(5) \$3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and
- “(6) \$300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 1203, of which \$100,000 shall be used to fund activities of the Great Lakes Commission.”;
- (3) by striking subsection (c) and inserting the following:
- “(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1997 through 2002 \$4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which \$1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species.”; and
- (4) by adding at the end the following new subsection:

“(e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Department of the Interior \$2,500,000 to carry out section 1104.”.

(g) TECHNICAL CORRECTIONS.—Public Law 101-646 (16 U.S.C. 4701 et seq.) is amended—

(1) in titles I, II, and IV, by striking the quotation marks at the beginning of any title, subtitle, section, subsection, paragraph, subparagraph, clause, subclause, or undesignated provision;

(2) at the end of titles II and IV, by striking the closing quotation marks and the final period; and

(3) in section 1003—

(A) by striking each single opening quotation mark and inserting double opening quotation marks; and

(B) by striking each single closing quotation mark and inserting double closing quotations marks.

SEC. 3. STATUTORY CONSTRUCTION.

Nothing in this Act or the amendments made by this Act is intended to affect the authorities and responsibilities of the Great Lakes Fishery Commission established under article II of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington on September 10, 1954 (hereafter in this section referred to as the “Convention”), including the authorities and responsibilities of the Great Lakes Fishery Commission—

(1) for developing and implementing a comprehensive program for eradicating or minimizing populations of sea lamprey in the Great Lakes watershed; and

(2) carrying out the duties of the Commission specified in the Convention (including any amendment thereto) and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

PURPOSE AND SUMMARY

The purpose of H.R. 3217, the National Invasive Species Act of 1996 (NISA), is to reauthorize and amend the Nonaquatic Nuisance Prevention and Control Act of 1990 (NANPCA) to strengthen and improve the nation’s response to threats posed by aquatic nuisance species. The legislation provides for, among other things, ballast water management and other measures to prevent the introduction and spread of invasive species into waters of the United States.

NEED FOR LEGISLATION

In the 1980’s, there was growing concern about nonindigenous species (particularly zebra mussels and the Eurasian ruffe) in the Great Lakes and other water bodies. Nonindigenous nuisance species, also referred to as invasive or exotic species, are those plants, fish, animals, and associated invertebrates that have moved, either intentionally or unintentionally, beyond their native ranges, usually with humans as the primary agents of dispersal. Introduced by ballast water or other means, these nonnative species can adversely affect, among other things, valuable fisheries, water infrastructure and related facilities and the overall ecological balance in affected areas.

In response to these concerns, Congress enacted NANPCA to establish a program for preventing, researching, monitoring and controlling infestations of nonindigenous aquatic species in the Great Lakes. NANPCA set up a multi-agency task force (the Aquatic Nuisance Species Task Force) to develop and oversee the program. NANPCA also initiated a policy review of the effects of intentional introductions of nonindigenous species (such as for sport fishing or biological pest control), a zebra mussel demonstration project, and state aquatic nuisance management planning. It created the Great

Lakes Aquatic Nuisance Species Panel to help coordinate federal, state, local and private efforts concerning nonindigenous species within the Great Lakes basin.

Perhaps most importantly, NANPCA directed the Coast Guard to issue voluntary guidelines for the Great Lakes and, after two years, promulgate regulations (applicable to the Great Lakes) to help reduce the probability of new introductions of nonindigenous species by commercial vessels, whose ballast water is a leading pathway for nonindigenous aquatic species into U.S. waters. The zebra mussel and the ruffe, along with the spiny water flea and many of the other nonindigenous organisms that have been introduced into the Great Lakes ecosystem, were transported to the Great Lakes in the ballast tanks of transoceanic vessels. Red tide and the edible brown mussel (*Perna perna*) are examples of ballast stowaways that have been discharged into U.S. marine coastal environments.

Six years after its passage, there is need to reauthorize and reform NANPCA to address waters beyond the Great Lakes and threats of additional exotic species through nationwide preventive management measures. The zebra mussel alone has been estimated to cost several billion dollars in repairs and removals related to the clogging of water supply intakes. The zebra mussel has also established itself in many of the freshwater systems of the eastern United States, including the upper Mississippi River, where it has degraded an economically valuable commercial mollusk fishery. Similarly, there is growing awareness of the threat of nonindigenous species to marine coastal areas, including estuaries such as the Chesapeake Bay, the San Francisco Bay and Delta, and the Gulf of Mexico. For example, *Perna perna* (a type of mussel) invaded South America via ballast discharge years ago and was recently transported to the Gulf of Mexico near Galveston, Texas.

Compliance by the Great Lakes shipping industry with NANPCA has been high. At the March 22, 1996, National Forum on Nonindigenous Species Invasions in U.S. and Marine Fresh Waters sponsored by the Northeast-Midwest Institute, the United States Coast Guard reported that there were only 4 known cases of non-compliance in 1995, all due to a misunderstanding of the regulations. Based on this positive record of compliance, NISA takes the approach of first relying on a voluntary program of ballast water exchange and management practices to reduce the probability of the introduction of nonindigenous species from ships operating in waters of the United States. Under NISA, the voluntary program does not become mandatory unless the Secretary of Transportation determines that the rate of voluntary compliance with the guidelines is not adequate or if the Secretary is unable to adequately assess compliance due to inadequacies in voluntary reporting.

As with NANPCA, the primary focus of NISA is on ballast water exchange as a means of control of the introduction and spread of aquatic nuisance species, primarily due to the lack of other proven prevention and control methods. To address other vectors for introduction and spread, the bill authorizes funding for research and demonstration projects in these areas.

DISCUSSION OF COMMITTEE BILL (H.R. 3217) AND SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; REFERENCES.

Section 1 of the bill provides that the Act may be cited as the “National Invasive Species Act of 1996” and notes that references to section numbers therein are to the “Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.”

SECTION 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) FINDINGS; DEFINITIONS.—Subsection (a) adds additional findings to section 1002(a) of NANPCA to reflect the fact that NISA broadens the scope of current law and applies to all the waters of the United States, not just the Great Lakes, and to reflect that NISA, like NANPCA, is intended to address many invasive species, including both aquatic nuisance plants and a range of animals in addition to the zebra mussel.

Subsection (a) also amends the definitions in section 1003 of NANPCA to correct certain references and add definitions for “Great Lakes region,” “Indian tribe,” and “interstate organization.”

(b) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—Subsection (b) restates and amends section 1101 of NANPCA. Under current law, section 1101 sets up the program for ballast water exchange by vessels that enter a United States port on the Great Lakes after operating beyond the exclusive economic zone. This program began with voluntary guidelines in 1991 and automatically became mandatory regulations in November 1992.

NISA amends section 1101(b)(2) of NANPCA to remove any uncertainty regarding the applicability of the current Great Lakes regulations to all vessels equipped with ballast water tanks, regardless of whether they are currently carrying ballast or the amount of ballast in their tanks. NISA also authorizes the Secretary of Transportation (“Secretary”) to carry out further educational and technical assistance programs to further continued compliance with the Great Lakes program for ballast water exchange.

To address the introduction and spread of nonindigenous species to waters of the United States beyond the Great Lakes, NISA adds new subsections (c), (d), and (e) to section 1101 of NANPCA.

New section 1101(c) requires the Secretary to issue voluntary national guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks. The Committee expects the Secretary to consult with the Task Force and regional panels under this Act in developing these guidelines. These guidelines must direct vessels carrying ballast water after operating beyond the exclusive economic zone to carry out ballast water exchange or another ballast water management method that is environmentally sound and determined by the Secretary to be at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species. The Committee notes that passenger vessel ship design and stability considerations make it unsafe for these vessels to exchange ballast water at sea. The water treatment systems employed by cer-

tain passenger vessels use sodium hypochlorate solutions or metal electrolytic cathodes to kill both adult and larva stages of undesirable organisms. This treatment process prevents the growth of organisms in the internal water distribution system of the vessel, and prevents the growth of organisms that may otherwise be discharged with ballast water into U.S. waters. The Committee expects the Secretary will determine that such ballast water treatment systems in passenger cruise ships are environmentally sound and as effective as ballast water exchange.

The guidelines also must include management practices to reduce the probability of unintentional introductions from ship operations other than ballast discharge and must provide for record keeping and sampling procedures to allow the Secretary to determine compliance with the guidelines. These guidelines also must, among other things, protect the safety of each vessel and the crew and passengers of each vessel—as determined by the master of the vessel—and must take into account geographic and ecological variations and different operating conditions. The Committee intends that the guidelines clearly except a vessel from the requirement to exchange ballast water at sea when the master of a vessel believes it is unsafe to do so. Under existing ballast water exchange regulations for the Great Lakes, the master of any vessel subject to the ballast water exchange requirement is not required to exchange ballast water before entering the U.S. Exclusive Economic Zone, if it would be unsafe due to weather, equipment failure, ship architecture, or other extraordinary conditions. The Committee intends that the voluntary national guidelines include these exceptions for ballast water exchange. The guidelines may not supersede or affect any Federal Water Pollution Control Act (Clean Water Act) requirements. The Secretary is also directed to carry out education and technical assistance programs to encourage compliance with the voluntary guidelines.

New sections 1101 (d) and (e) set up a procedure for the periodic review and revision of both the voluntary national guidelines and any regulations issued under the Act.

With respect to the new voluntary national guidelines, this section requires the Aquatic Nuisance Species Task Force to develop criteria for determining the adequacy and effectiveness of the voluntary guidelines and submit them to the Secretary within 18 months of enactment. These criteria will be applied by the Secretary in assessing compliance with and effectiveness of the guidelines. The Secretary must, not later than three years after enactment of NISA, and at least every three years thereafter, assess the rate of compliance with and the effectiveness of the voluntary national guidelines in reducing the introduction and spread of invasive species by vessels. In addition, under this section the Task Force is authorized to request the Secretary to conduct a special review and revision for specified waterways.

If, based on a review, the Secretary determines that the voluntary national guidelines are not sufficiently effective and revision is necessary, the Secretary must revise the guidelines, after providing notice and an opportunity for comment. If, based on a review, the Secretary determines that the rate of compliance by vessels with the voluntary national guidelines is not adequate, or if

the Secretary must, in accordance with new section 1101(e), promptly issue the guidelines as enforceable regulations.

If the Secretary determines that the guidelines or a portion thereof are ineffective and that there is an inadequate rate of compliance with the ineffective guidelines, the Secretary should correct the problem with the voluntary guidelines and provide vessels with an opportunity to comply with effective guidelines, before turning the revised guidelines into enforceable regulations.

The Committee understands that the Coast Guard is currently developing strategies for assessing and ensuring compliance with guidelines and regulations issued under this Act, including any new regulations that may be issued under new section 1101(e). The Committee expects the Coast Guard to timely develop a system for measuring compliance to ensure that necessary information is available for the reviews under subsection (d). The Committee recognizes that monitoring and ensuring compliance with a national program requires advance planning and may raise resource and implementation issues, and encourages the Coast Guard to continue this effort and consult with the Task Force and other interested parties. In prioritizing its efforts, the Coast Guard should consider developing a compliance monitoring strategy for the San Francisco Bay area which addresses saltwater to saltwater voyages.

The periodic and special review procedures of new section 1101(d) also apply to the existing regulations for the Great Lakes issued under section 1101(b). These regulations are already enforceable, but may be revised if necessary based on the Secretary's review of their effectiveness. These periodic and special review procedures also apply to any regulations that may be issued under subsection 1101(e).

New section 1101(f) restates the sanctions of civil penalties, criminal penalties, and revocation of clearance that are currently applicable to violations of the Great Lakes regulations and expands the scope of these sanctions to include the new national regulations that may be issued under section 1101(e). Also, these sanctions are consolidated in new section 1101(f) and therefore sections 1101(b)(2)(F), (c) and (d) of current law are deleted.

New sections 1101(g), (h) and (i) require coordination with other federal agencies, encourage consultation with foreign governments, and encourage international cooperation respectively. Any coordination with other Federal agencies that would require use of another agency's personnel or resources must, of course, be on a consensual basis. For example, the Animal and Plant Health Inspection Service of the Department of Agriculture must consent to the use of its personnel, facilities and other resources in coordinating with other agencies to help implement this Act.

(c) NATIONAL BALLAST WATER MANAGEMENT INFORMATION.—Subsection (c) amends section 1102(b) of NANPCA to require the Aquatic Nuisance Species Task Force and the Secretary of Transportation to conduct surveys of both the ecology of and the ballast discharge rates and practices in certain estuaries of national significance and other waters the Task Force determines to be susceptible to invasion by aquatic nuisance species. The term “estuaries

of national significance” refers to estuaries included in the National Estuary Program under section 320 of the Clean Water Act.

One purpose of these surveys is to assist the Secretary in making its determination of the effectiveness of and compliance with the voluntary national guidelines, as required by section 1101(d). The Committee expects the Task Force and the Secretary to complete these surveys in a time frame that will allow the Secretary to consider the results as it conducts its periodic reviews.

Subsection (c) also adds new section 1102(e) to authorize the Secretary of the Smithsonian Institution to award grants for research on aquatic nuisance species prevention and control. This authorization totals \$2.25 million a year for six years. During the July 17, 1996, hearing on the bill, the Water Resources and Environment Subcommittee and the Coast Guard and Maritime Transportation Subcommittee heard testimony and statements for Members regarding the risk invasive species pose to, among others, the Chesapeake Bay, the San Francisco Bay, the Los Angeles and Long Beach Harbors, and the Gulf of Mexico. As introduced, NISA authorized up to \$750,000 annually in research grants for aquatic nuisance species prevention and control research in the Chesapeake Bay, to be administered by the Chesapeake Research Consortium. The Committee amended the introduced bill to respond to the concerns of other regions in addition to the Chesapeake Bay. As reported, NISA also authorizes \$500,000 annually for research in the Gulf of Mexico, to be administered by the Louisiana Universities Marine Consortium, \$500,000 annually for research on the Pacific Coast, and \$500,000 annually for research on the Atlantic Coast (other than the Chesapeake Bay).

Finally, subsection (c) adds new section 1102(f)(1) to the Act to require the Secretary of Transportation to develop and maintain a National Ballast Information Clearinghouse. To implement the existing doctrine of port state control, that helps ensure the safety of our harbors, waterways, and communities, the Coast Guard maintains a database of all vessels that enter and clear the United States. This system is called the Vessel Identification System (VID). The Committee believes that it will be a simple process to include in the VID system the ballast water exchange information required by the Act and will not require the investment of new resources in a ballast water exchange tracking system. Using this system, the Coast Guard will be able to review a vessel’s ballast water exchange history before the vessel arrives in the United States to help them decide whether to board the vessel to test the water in its ballast tanks. The Committee intends the Secretary to consult closely with the Task Force and SERC and make use of the Task Force’s expertise in ecological issues and SERC’s experience with monitoring ballast water exchange in the Chesapeake Bay.

New section 1102(f)(2) requires the Secretary, working closely with the Task Force and the Smithsonian Environmental Research Center, to submit to Congress a report that synthesizes and analyzes the data collected by the Coast Guard under paragraph (1). The Committee intends for the Smithsonian Environmental Research Center (SERC) to conduct the data synthesis and analysis required for this report. SERC is home to perhaps the largest ballast water research and invasion programs in the country and is

uniquely qualified to provide expertise on ecological issues arising from biological invasions. The Committee intends SERC to play a key role in meeting a critical need for organization, analysis, interpretation, and distribution of the data maintained by the Coast Guard.

(d) ARMED SERVICES BALLAST WATER PROGRAM; BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—Subsection (d) adds two new sections to Subtitle B of NANCPA. New section 1103 requires the Secretary of Defense and, for Coast Guard vessels, the Secretary of Transportation, to implement a ballast water management program for seagoing vessels to minimize the risk of introduction of nonindigenous species from releases of ballast water. The Committee is aware that, due to operational conditions of these vessels, it may be impossible to reduce the risk to zero. Thus, the requirement is to minimize the risk, subject to operational conditions of the vessels. The Committee is aware that the Department of Defense and EPA, in consultation with the Coast Guard, the Department of Commerce, and interested States, also are currently developing a program to control discharges incidental to the normal operation of Armed Forces vessels under section 312(n) of the Clean Water Act.

New section 1104 requires the Secretary of Interior, with the concurrence of and in cooperation with the Secretary of Transportation, to conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nuisance species from being introduced into and spread through the Great Lakes and other waters of the U.S. through ballast water. Development of technologies and practices other than ballast water exchange is essential, particularly to prevent further spread of invasive species that already have been introduced into the Great Lakes or other waters of the U.S. The Committee intends this demonstration program to be a cooperative effort. The Committee expects the Secretary of Transportation, acting through the Coast Guard, to bring its expertise in vessel operations to this demonstration program. The Committee expects the Secretary of Interior, acting through the Fish and Wildlife Service, to bring its expertise with respect to aquatic nuisance species to this demonstration program.

(e) AMENDMENTS TO SUBTITLE C.—Subsection (e) amends section 1201(b) to add the Secretary of Agriculture to the Aquatic Nuisance Species Task Force. This section also adds the Chesapeake Bay Program as an ex officio member of the Task Force in section 1201(c). The Committee notes that the Chesapeake Bay Program, as well as the Lake Champlain Basin Program that was added to the Task Force in Public Law 104–182, are programs within EPA to address water quality concerns in these waters pursuant to its authority under the Clean Water Act and other authorizing legislation. Under such authorizing legislation, EPA has sponsored these programs that include both governmental entities and partners from the private sector. While nongovernmental parties may and should lend their expertise to the Task Force, they should not be accorded the same status as the governmental entities that serve as official and ex officio members of the Task Force.

Subsection (e) amends the existing zebra mussel demonstration program in section 1202(i)(1) to require the Army Corps of Engineers to develop a demonstration program for the control of zebra mussels around public facilities. NISA also amends section 1202(i)(1) to require the Task Force to develop voluntary guidelines for controlling the spread of zebra mussels and, if appropriate, other aquatic nuisance species, through recreational activities. In determining whether it is appropriate to address other aquatic nuisance species, the Task Force should consider whether recreational activities are a likely vector for the spread, the potential impacts of such spread should it occur, whether effective control methods exist, and the cost of compliance with the control methods. The Task Force must develop these guidelines and submit them to the Secretary within one year of enactment. Within four months after receipt of the guidelines from the Task Force, the Secretary must provide an opportunity for notice and comment on the Task Force guidelines and issue voluntary guidelines that are based on the Task Force guidelines. The Secretary has the discretion to revise the voluntary guidelines received from the Task Force before issuing them, based on the comments received during the public comment period.

Subsection (e) also adds four new paragraphs to section 1202(i). New Paragraph (2) authorizes research grants for projects that identify methods for controlling dispersal of aquatic nuisance species, to be administered by EPA, in cooperation with the National Science Foundation and the Task Force and authorizes the appropriation of \$500,000 to EPA for such research grants. New paragraph (3) requires the Army Corps of Engineers to conduct and report on a study of the Chicago River Ship and Sanitary Canal to investigate methods for preventing aquatic nuisance species dispersal and authorizes the appropriation of \$750,000 to the Army Corps of Engineers to conduct the study. New paragraph (4) authorizes EPA and the Army to enter into cost-sharing agreements with interested parties in carrying out the grant program or the Chicago River study. New paragraph (5) requires the National Oceanic and Atmospheric Administration to provide technical assistance to the Lake Champlain Research Consortium to assist the research conducted by the Consortium pursuant to this subsection.

Subsection (e) amends section 1203 of the Act to authorize additional regional panels to coordinate governmental and private efforts to prevent and control aquatic nuisance species. The bill directs the Task Force to, within 30 days of enactment, request a Western Regional Panel to perform activities specified in the bill to identify and address threats and prevent the spread of invasive species throughout the West. The Committee understands that a Western Zebra Mussel Task Force already exists. The Aquatic Nuisance Task Force may direct its request to this existing organization, rather than convening a new Western Region Panel. The bill also directs the Task Force to encourage the development of other regional panels.

Subsection (e) amends section 1204 of the Act to broaden the existing authorization for the development of state aquatic nuisance species management plans to add interstate organizations (including Indian tribes) and to authorize the Fish and Wildlife Service

or the National Oceanic and Atmospheric Administration to assist states or Indian tribes, at their request, in the enforcement of a state or interstate aquatic nuisance species management plan. Provisions on enforcement assistance are not to be construed as broadening existing enforcement authorities of the Fish and Wildlife Service or the National Oceanic and Atmospheric Administration.

(f) AUTHORIZATION OF APPROPRIATIONS.—NISA authorizes the appropriation of \$2 million to the Secretary of Transportation for 1997 and 1998, and \$3 million for 1999 through 2002, totaling \$16 million, to prevent unintentional introductions of aquatic nuisance species in waters of the United States under section 1101, including the development of the new voluntary guidelines, periodically reviewing those guidelines, providing education and technical assistance, and enforcing regulations.

NISA authorizes the appropriation of \$1 million to the Fish and Wildlife Service and \$1 million to the Secretary for each of fiscal years 1997 through 2002, totaling \$12 million, to perform the ecological surveys required under section 1102(b)(1) and the ballast discharge surveys required under section 1102(b)(2).

NISA authorizes the appropriation of \$2.25 million to the Secretary of the Smithsonian Institute for each of fiscal years 1997 through 2002, totaling \$13.5 million, to provide regional research grants under section 1102(e).

NISA authorizes the appropriation of \$500,000 for each of fiscal years 1997 through 2002, totaling \$3 million, to the Secretary of Transportation to develop and maintain the National Ballast Information Clearinghouse required under section 1102(f).

NISA authorizes the appropriation of \$6 million for each of fiscal years 1997 through 2002, totaling \$36 million, to the Department of the Interior to be used by the Fish and Wildlife Service to carry out its responsibilities in implementing the aquatic nuisance species program in section 1202 and the Brown Tree Snake Control Program in section 1209.

NISA authorizes the appropriation of \$1 million for each of fiscal years 1997 through 2002, totaling \$6 million, to the Department of Commerce to be used by the National Oceanic and Atmospheric Administration to carry out its responsibilities in implementing the aquatic nuisance species program in section 1202.

NISA authorizes the appropriation of \$1.625 million for each of fiscal years 1997 through 2002, totaling \$9.75 million, to fund aquatic nuisance species control research under section 1202(i). \$500,000 of this annual authorization is to go to the Lake Champlain Research Consortium and the remainder is to go to the National Oceanic and Atmospheric Administration's Great Lakes Environmental Research Laboratory.

NISA authorizes the appropriation of \$5 million for each of fiscal years 1997 through 2002, totaling \$30 million, for grants for research on aquatic nuisance species under section 1202(f)(3). \$4 million of this annual authorization is for grants administered through the National Sea Grant College Program and for grants to land grant colleges. \$1 million of this annual authorization is for grants administered through the Cooperative Fisheries and Wildlife Research Unit of the United States Fish and Wildlife Service.

NISA authorizes the appropriation of \$3 million for each of fiscal years 1997 through 2002, totaling \$18 million, to the Army Corps of Engineers for research on and development and demonstration of environmentally sound methods of control of zebra mussels in and around public facilities under section 1202(i)(1)(B).

NISA authorizes the appropriation of \$300,000 for each of fiscal years 1997 through 2002, totaling \$1.8 million, to fund regional panels under section 1203, of which \$100,000 annually is to be to the Great Lakes Commission.

NISA authorizes the appropriation of \$4 million for each of fiscal years 1997 through 2002, totaling \$24 million, to the Department of the Interior for the Fish and Wildlife Service to make grants with approved aquatic nuisance species management plans under section 1204, of which \$1.5 million annually shall be used for grants to states with approved aquatic nuisance species management plans for management of aquatic nuisance vegetable species.

NISA authorizes the appropriation of \$2.5 million to the Department of the Interior to conduct the ballast water management demonstration program required by section 1104.

(g) TECHNICAL CORRECTIONS.—This section makes technical corrections to the Act to remove beginning and closing quotation marks that were inadvertently codified in Public Law 101–646.

SECTION 3. STATUTORY CONSTRUCTION.

Section 3 clarifies the Committee's intent that NISA not affect the authorities and responsibilities of the Great Lakes Fishery Commission.

HEARINGS AND PREVIOUS LEGISLATIVE ACTIVITY

H.R. 3217, the National Invasive Species Act of 1996, was introduced by Congressman Steven LaTourette alone with eighteen cosponsors on March 29, 1996. The bill was referred primarily to the Committee on Transportation and Infrastructure, and in addition, to the Committee on Resources.

On July 17, 1996, the Subcommittee on Water Resources and Environment and the Subcommittee on the Coast Guard and Maritime Transportation held a hearing on H.R. 3217. The Subcommittees heard testimony from eleven witnesses including representatives of the United States Coast Guard, the National Oceanic and Atmospheric Administration, the United States Environmental Protection Agency, the Army Corps of Engineers, the Minnesota Department of Natural Resources, the Chesapeake Bay Commission, state and local agencies, and the maritime industry. All of the witnesses supported the intent, objectives, and basic provisions of the bill.

COMMITTEE CONSIDERATION

Clause 2(l)(2)(B) of rule XI requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. The Committee considered the bill and an amendment in the nature of a substitute and favorably reported it, as amended, by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no specific oversight findings.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Transportation and Infrastructure has received no findings and recommendations from the Committee on Government Reform and Oversight.

COMMITTEE COST ESTIMATE

Clause 2(l)(3)(B) of rule XI requires each committee report that accompanies a measure providing new budget authority, new spending authority, or new credit authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding levels for the relevant program (or programs) to the appropriate levels under current law.

Clause 7(a) of rule XIII requires committees to include their own cost estimates in certain committee reports, which include, where practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1994.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(l)(3)(C) of rule XI requires each committee report to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted. The following is the Congressional Budget Office cost estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 1996.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3217, the National Invasive Species Act of 1996.

Enacting H.R. 3217 could affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3217.
2. Bill title: National Invasive Species Act of 1996.
3. Bill Status: As ordered reported by the House Committee on Transportation and Infrastructure on September 12, 1996.
4. Bill purpose: H.R. 3217 would amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which addresses environmental problems caused by the introduction and spread of certain aquatic species such as the zebra mussel into the Great Lakes and other U.S. waters. The bill would: (1) reauthorize ongoing regulatory and research activities carried out by the Aquatic Nuisance Species Task Force, the Army Corps of Engineers, and the Departments of Transportation, Commerce, and the Interior, (2) expand federal regulatory activities to encompass all U.S. waters, and (3) establish new programs, including:

Educational and technical assistance programs to aid vessel operators in complying with federal guidelines;

Ecological and ballast discharge surveys of specified estuaries such as the Chesapeake Bay;

Several new research grants and demonstration programs;

A national clearinghouse for ballast water information; and

New regional programs, including regional research grants and regional advisory panels.

Finally, the bill would authorize the appropriation of funds for both existing programs and new programs through fiscal year 2002.

5. Estimated cost to the Federal Government: H.R. 3217 would authorize appropriations totaling nearly \$174 million over the 1997–2002 period, including between \$18 million and \$19 million annually for regulatory and research activities already carried out (on a more limited basis) under the 1990 act. The bill would authorize funds totaling \$64 million over the 1997–2002 period for new programs that would be established by H.R. 3217.

In addition to providing authorizations of appropriations, the bill could also affect federal revenues and direct spending by establishing civil and criminal fines that may be imposed by the U.S. Coast Guard in the future. CBO estimates that revenues and direct spending would not be affected until 1999, however, and that any such changes would likely be less than \$500,000 a year. The estimated budgetary effects of H.R. 3217 are summarized in the following table.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Spending under current law:							
Budget authority ¹	9	.....	.....	.....	.....	.....	.....
Estimated outlays	9	2	.....	.....	.....	.....	.....

(By fiscal year, in millions of dollars)

	1996	1997	1998	1999	2000	2001	2002
Proposed changes:							
Authorization level		31	28	29	29	29	29
Estimated outlays		19	26	30	29	29	29
Spending under H.R. 3217:							
Authorization level ¹	9	31	28	29	29	29	29
Estimated outlays	9	21	26	30	29	29	29
CHANGES IN REVENUES AND DIRECT SPENDING							
Revenues:							
Estimated revenues				(2)	(2)	(2)	(2)
Direct spending:							
Estimated budget authority					(2)	(2)	(2)
Estimated outlays					(2)	(2)	(2)

¹ The 1996 level is the amount appropriated for programs authorized by this bill.² Less than \$500,000.

The costs of this bill fall within budget functions 300, 400, and 500.

6. Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 3217 will be enacted within the next few weeks, and that the full amounts authorized will be appropriated for each fiscal year. The authorization levels for each fiscal year are as stated in the bill, including \$3.8 million in 1997 for one-time research and demonstration projects. Outlays for all programs have been estimated on the basis of historical patterns for similar programs.

Section 2(b) of the bill would establish criminal and civil penalties for failure to comply with regulations established by the Coast Guard to prevent the introduction or spread of nonindigenous species into U.S. waters. The Coast Guard would promulgate such regulations only if the agency determines that vessel operators are not complying with voluntary guidelines or that such guidelines are ineffective. Based on the timetables established by the bill for reviewing the effect of the voluntary guidelines, CBO expects that no mandatory regulations would be imposed before fiscal year 1999. We estimate that, beginning in that year, the penalties established by section 2(b) would increase governmental receipts by less than \$500,000 annually. Criminal fines would be deposited in the Crime Victims Fund and would be available for spending in the following year. Thus, direct spending from the fund would match the increase in revenues with a one-year lag.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that the civil and criminal penalties established by H.R. 3217 would affect spending and receipts if the Coast Guard decides to impose mandatory national regulations for the discharge of ballast water. Therefore, pay-as-you-go procedures would apply to the bill. However, we estimate that any resulting increase in receipts from civil and criminal fines established by the bill and related spending of criminal fines from the Crime Victims Fund would not occur before fiscal year 1999. The estimated pay-as-you-go effect is summarized in the following table.

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	0	0
Change in outlays	0	0	0

8. Estimated impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). It would authorize funding for states to help them prevent and control the spread of aquatic nuisance species.

The bill would authorize appropriations of \$4 million for each of fiscal years 1997 through 2002 for grants to fund state efforts to control aquatic nuisance species. States would be eligible for this funding if they develop and submit plans detailing how they intend to deal with nuisance species. The bill would also change this program to allow interstate organizations to submit plans and receive funding.

The bill would also reauthorize ongoing grant programs and would establish several new grant programs to fund research on preventing and controlling aquatic nuisance species in different regions of the country. State universities would be eligible to receive this grant funding. The bill would authorize total appropriations of \$44 million for these grants over fiscal years 1997 through 2002.

9. Estimated impact on the private sector: Section 2 would impose new private-sector mandates for vessels equipped with ballast water tanks that operate in waters of the United States. In particular, it would maintain regulations for ballast exchange for vessels bound for the Great Lakes and would establish new requirements for ballast exchange for vessels bound for other U.S. waters. Based on data for 1995, the new mandate for ballast exchange would affect up to 48,000 port calls. In addition, section 2 would establish new requirements for management practices for ship operations other than ballast discharge, ballasting practices of vessels that enter U.S. waters with no ballast on board, and recordkeeping.

Representatives of the private sector have offered a wide range of opinions regarding the costs for each vessel, depending on the additional distance that the vessel must travel to exchange ballast, the additional time required to make the exchange, the method of exchange, the type of vessel, and other factors. Thus, the costs of compliance could be negligible for some vessels and high for others. CBO does not yet have enough information about current or potential future practices to measure the incremental costs of the mandates. Therefore, we cannot ascertain whether those costs would exceed the \$100 million threshold for private-sector mandates.

10. Previous CBO estimate. None.

11. Estimate prepared by: Federal cost estimate—Deborah Reis. Impact on state, local, and tribal governments—Pepper Santalucia. Impact on the private sector—Victoria Greenfield.

12. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

INFLATIONARY IMPACT STATEMENT

Clause 2(1)(4) of rule XI requires each committee report on a bill or joint resolution of a public character to include an analytical statement describing what impact enactment of the measure would have on prices and costs in the operation of the national economy. The Committee has determined that H.R. 3217 has no inflationary impact on the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**NONINDIGENOUS AQUATIC NUISANCE PREVENTION
AND CONTROL ACT OF 1990**

AN ACT To prevent and control infestations of the coastal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**[“]TITLE I—AQUATIC NUISANCE
PREVENTION AND CONTROL**

Subtitle A—General Provisions

[“]SECTION 1001. SHORT TITLE.

[“]This title may be cited as the “Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990”.

[“]SEC. 1002. FINDINGS AND PURPOSES.

[“](a) FINDINGS.—The Congress finds that—

[“](1) the discharge of untreated water in the ballast tanks of vessels and through other means results in unintentional introductions of nonindigenous species to fresh, brackish, and saltwater environments;

[“](2) when environmental conditions are favorable, nonindigenous species, such as the zebra mussel (*Dreissena polymorpha*), become established and may disrupt the aquatic environment and economy of affected coastal areas;

[“](3) the zebra mussel was unintentionally introduced into the Great Lakes and, if left uncontrolled, is expected to infest over two-thirds of the continental United States through the unintentional transportation of larvae and adults by vessels operating in inland waters;]

(2) when environmental conditions are favorable, nonindigenous species become established and may disrupt the aquatic environment and economy of affected nearshore areas;

(3) *the zebra mussel was unintentionally introduced into the Great Lakes and has infested—*

(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;

["(4) the potential economic disruption to communities affected by the zebra mussel due to its colonization of water pipes, boat hulls and other hard surfaces has been estimated at \$5,000,000,000 by the year 2000, and the potential disruption to the diversity and abundance of native fish and other species by the zebra mussel and ruffe, round goby, and other nonindigenous species could be severe; [and]

(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate[.];

(6) *in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;*

(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

(10) *since their introduction in the early 1980's in ballast water discharges, ruffe—*

(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

(B) have spread to Lake Huron; and

(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

(11) *examples of nonindigenous species that, as of the date of enactment of the National Invasive Species Act of 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—*

(A) the mitten crab (Eriochei sinensis) that has become established on the Pacific Coast;

(B) the green crab (Carcinus maenus) that has become established in the coastal waters of the Atlantic Ocean;

(C) the brown mussel (Perna perna) that has become established along the Gulf of Mexico; and

(D) certain shellfish pathogens;

(12) *many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from*

other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

(13) if preventive management measures are not taken nationwide to prevent and control of unintentionally introduced non-indigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of, among others, the Federal Government and State governments, and investment in the development of prevention technologies.

["(b) PURPOSES.—The purposes of this Act are—

["(1) to prevent unintentional introduction and dispersal of nonindigenous species into waters of the United States through ballast water management and other requirements;

["(2) to coordinate federally conducted, funded or authorized research, prevention control, information dissemination and other activities regarding the zebra mussel and other aquatic nuisance species;

["(3) to develop and carry out environmentally sound control methods to prevent, monitor and control unintentional introductions of nonindigenous species from pathways other than ballast water exchange;

["(4) to understand and minimize economic and ecological impacts of nonindigenous aquatic nuisance species that become established, including the zebra mussel; and

["(5) to establish a program of research and technology development and assistance to States in the management and removal of zebra mussels.

["SEC. 1003. DEFINITIONS.

["As used in this Act, the term—

["(1) 'appropriate Committees'] (1) "*appropriate Committees*" means [the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries] *the Committee on Transportation and Infrastructure and the Committee on Resources* in the House of Representatives and the Committee on Environment and Public Works and Committee on Commerce, Science, and Transportation in the Senate; and

["(2) 'aquatic nuisance species'] (2) "*aquatic nuisance species*" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters;

["(3) 'assistant Secretary'] (3) "*Assistant Secretary*" means the Assistant Secretary of the Army (Civil Works);

["(4) 'ballast water'] (4) "*ballast water*" means any water and associated sediments used to manipulate the trim and stability of a vessel;

【“(5) ‘Director’】 (5) “*Director*” means the Director of the United States Fish and Wildlife Service;

【“(6) ‘exclusive economic zone’】 (6) “*exclusive economic zone*,” means the Exclusive Economic Zone of the United States established by Proclamation Number 5030, dated March 10, 1983, and the equivalent zone of Canada;

【“(7) ‘environmentally sound’】 (7) “*environmentally sound*” methods, efforts, actions or programs means methods, efforts, actions or programs to prevent introductions or control infestations of aquatic nuisance species that minimize adverse impacts to the structure and function of an ecosystem and adverse effects on non-target organisms and ecosystems and emphasize integrated pest management techniques and non-chemical measures;

【“(8) ‘Great Lakes’】 (8) “*Great Lakes*” means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary’s River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

(9) “*Great Lakes region*” means the 8 States that border on the Great Lakes;

(10) “*Indian tribe*” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(11) “*interstate organization*” means an entity—

(A) established by—

(i) an interstate compact that is approved by Congress;

(ii) a Federal statute; or

(iii) a treaty or other international agreement with respect to which the United States is a party; and

(B)(i) that represents 2 or more—

(I) States or political subdivisions thereof; or

(II) Indian tribes; or

(ii) that represents—

(I) 1 or more States or political subdivisions thereof; and

(II) 1 or more Indian tribes; or

(iii) that represents the Federal Government and 1 or more foreign governments; and

(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;

【“(9) ‘nonindigenous species’】 (12) “*nonindigenous species*” means any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another;

[(10) ‘Secretary’] (13) “*Secretary*” means the Secretary of the department in which the Coast Guard is operating;

[(11) ‘Task Force’] (14) “*Task Force*” means the Aquatic Nuisance Species Task Force established under section 1201 of this Act;

[(12) ‘territorial sea’] (15) “*territorial sea*” means the belt of the sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988;

[(13) ‘Under Secretary’] (16) “*Under Secretary*” means the Under Secretary of Commerce for Oceans and Atmosphere;

[(14) ‘waters of the United States’] (17) “*waters of the United States*” means the navigable waters and the territorial sea of the United States; and

[(15) ‘unintentional introduction’] (18) “*unintentional introduction*” means an introduction of nonindigenous species that occurs as the result of activities other than the purposeful or intentional introduction of the species involved, such as the transport of nonindigenous species in ballast or in water used to transport fish, mollusks or crustaceans for aquaculture or other purposes.

[“Subtitle B—Prevention of Unintentional Introductions of Aquatic Nuisance Species

[“SEC. 1101. AQUATIC NUISANCE SPECIES IN THE GREAT LAKES.

[(a) GUIDELINES.—(1) Not later than 6 months after the date of enactment of the Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

[(2) The guidelines issued under this subsection shall—

[(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

[(B) protect the safety of each vessel, its crew, and passengers;

[(C) take into consideration different vessel operating conditions; and

[(D) be based on the best scientific information available.

[(3) Within 12 months after the date of enactment of this Act, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

[(b) AUTHORITY OF SECRETARY.—(1) Within 24 months after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

[(2) The regulations issued under this subsection shall—

【“(A) require all vessels that carry ballast water and enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

【“(B) require a vessel to—

【“(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

【“(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

【“(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species.

【“(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

【“(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

【“(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary’s designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

【“(F) request the Secretary of the Treasury to withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel, the owner or operator of which is in violation of the regulations;

【“(G) protect the safety of each vessel, its crew, and passengers;

【“(H) take into consideration different vessel operating conditions; and

【“(I) be based on the best scientific information available.

【“(3) In addition to issuing regulations under paragraph (1), the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species in the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.”.

【“(3) In addition to issuing regulations under paragraph (1), the Secretary, in consultation with the Task Force shall, not later than 24 months after the date of the enactment of this paragraph, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River north of the George Washington Bridge.

[(c) CIVIL PENALTIES.—Any person who violates the regulations issued under subsection (b) shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.]

[(d) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations issued under subsection (b) is guilty of a class C felony.]

[(e) CONSULTATION WITH CANADA.—In developing the guidelines and regulations, the Secretary is encouraged to consult with the Government of Canada to develop an effective international program for preventing the introduction and spread of aquatic nuisance species in the Great Lakes from the ballast water of vessels.]

Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species

SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.

(a) GREAT LAKES GUIDELINES.—

(1) *IN GENERAL.*—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

(2) *CONTENT OF GUIDELINES.*—The guidelines issued under this subsection shall—

(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

(B) protect the safety of—

(i) each vessel; and

(ii) the crew and passengers of each vessel;

(C) take into consideration different vessel operating conditions; and

(D) be based on the best scientific information available.

(b) REGULATIONS.—

(1) *IN GENERAL.*—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

(2) *CONTENT OF REGULATIONS.*—The regulations issued under this subsection shall—

(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

(B) require a vessel to—

(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

(F) protect the safety of—

(i) each vessel; and

(ii) the crew and passengers of each vessel;

(G) take into consideration different operating conditions; and

(H) be based on the best scientific information available.

(3) **ADDITIONAL REGULATIONS.**—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

(4) **EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.**—The Secretary may carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

(c) **VOLUNTARY NATIONAL GUIDELINES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

(2) **CONTENT OF GUIDELINES.**—The voluntary guidelines issued under this subsection shall—

(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

(C) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

(D) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

(i) ship operations other than ballast discharge; and

(ii) ballasting practices of vessels that enter waters of the United States with no ballast on board;

(E) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (h), in order to enable the Secretary to determine compliance with the guidelines, including—

(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and

(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;

(F) provide for sampling procedures to monitor compliance with the guidelines;

(G) protect the safety of—

(i) each vessel; and

(ii) the crew and passengers of each vessel;

(H) take into consideration—

(i) variations in the characteristics of point of origin and receiving water bodies;

(ii) variations in the ecological conditions of waters and coastal areas of the United States; and

(iii) different operating conditions;

(I) be based on the best scientific information available; and

(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into wa-

ters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(3) *EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.*—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

(d) *PERIODIC REVIEW AND REVISION.*—

(1) *IN GENERAL.*—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—

(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;

(B) establish the rate of compliance that is based on the assessment under subparagraph (A);

(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and

(D) as necessary, on the basis of the best scientific information available—

(i) revise the guidelines and regulations referred to in subparagraph (A);

(ii) promulgate additional regulations pursuant to subsection (e)(1); or

(iii) carry out each of clauses (i) and (ii).

(2) *SPECIAL REVIEW AND REVISION.*—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—

(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and

(B) as necessary, in the same manner as provided under paragraph (1)(D)—

(i) revise those guidelines;

(ii) promulgate additional regulations pursuant to subsection(e)(1); or

(iii) carry out each of clauses (i) and (ii).

(3) *CRITERIA FOR EFFECTIVENESS.*—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).

(e) *AUTHORITY OF SECRETARY.*—

(1) *GENERAL REGULATIONS.*—If, on the basis of a periodic review conducted under subsection (d)(1) or a special review conducted under subsection (d)(2), the Secretary determines that—

(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those guidelines and provide a rate of compliance of vessels, including the assessment of the rate of compliance of vessels under subsection (d)(2),
the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

(2) *REQUIREMENTS FOR REGULATIONS.*—The regulations promulgated by the Secretary under paragraph (1)—

(A) shall—

(i) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

(ii) provide for the enforcement of the regulations;
and

(B) may be regional in scope.

(f) *SANCTIONS.*—

(1) *CIVIL PENALTIES.*—Any person who violates a regulation promulgated under subsection (b) or (e) shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

(2) *CRIMINAL PENALTIES.*—Any person who knowingly violates the regulations promulgated under subsection (b) or (e) is guilty of a class C felony.

(3) *REVOCATION OF CLEARANCE.*—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (e).

(g) *COORDINATION WITH OTHER AGENCIES.*—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots' associations.

(h) *CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.*—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

(i) *INTERNATIONAL COOPERATION.*—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encour-

aged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

["SEC. 1102. NATIONAL BALLAST WATER CONTROL PROGRAM.]

SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

["(a) STUDIES ON INTRODUCTION OF AQUATIC NUISANCE SPECIES BY VESSELS.—

["(1) BALLAST EXCHANGE STUDY.—The Task Force, *in cooperation with the Secretary*, shall conduct a study—

["(A) to assess the environmental effects of ballast water exchange on the diversity and abundance of native species in receiving estuarine, marine, and fresh waters of the United States; and

["(B) to identify areas within the waters of the United States and the exclusive economic zone, if any, where the exchange of ballast water does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States.

["(2) BIOLOGICAL STUDY.—The Task Force, *in cooperation with the Secretary*, shall conduct a study to determine whether aquatic nuisance species threaten the ecological characteristics and economic uses of *Lake Champlain and other waters* of the United States other than the Great Lakes.

["(3) SHIPPING STUDY.—The Secretary shall conduct a study to determine the need for controls on vessels entering waters of the United States, other than the Great Lakes, to minimize the risk of unintentional introduction and dispersal of aquatic nuisance species in those waters. The study shall include an examination of—

["(A) the degree to which shipping may be a major pathway of transmission of aquatic nuisance species in those waters;

["(B) possible alternatives for controlling introduction of those species through shipping; and

["(C) the feasibility of implementing regional versus national control measures.

["(b) CONSULTATION.—The Secretary and the Task Force shall cooperate in conducting their respective studies under this section.]

(b) ECOLOGICAL AND BALLAST DISCHARGE SURVEYS.—

(1) ECOLOGICAL SURVEYS.—

(A) IN GENERAL.—*The Task Force, in cooperation with the Secretary, shall conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, and Honolulu Harbor and, as necessary, of other estuaries of national significance and other waters that the Task Force determines—*

(i) to be highly susceptible to invasion by aquatic nuisance species resulting from ballast water operations and other operations of vessels; and

(ii) to require further study.

(B) *REQUIREMENTS FOR SURVEYS.*—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

(i) *examine the attributes and patterns of invasions of aquatic nuisance species; and*

(ii) *provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued and regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.*

(2) *BALLAST DISCHARGE SURVEYS.*—

(A) *IN GENERAL.*—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

(B) *REQUIREMENTS FOR SURVEYS.*—In conducting the surveys under this paragraph, the Secretary shall—

(i) *examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and*

(ii) *assess the effectiveness of voluntary guidelines issued, and regulations promulgated, under this subtitle in altering ballast discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.*

["](c) *REPORTS.*—

["](1) *BALLAST EXCHANGE.*—Not later than 18 months after the date of enactment of this Act and prior to the effective date of the regulations issued under section 1101(b), the Task Force shall submit a report to the appropriate Committees that presents the results of the study required under subsection (a)(1) and makes recommendations with respect to such regulations.

["](2) *BIOLOGICAL AND SHIPPING STUDIES.*—Not later than 18 months after the date of enactment of this Act, the Secretary and the Task Force shall each submit to the appropriate Committees a report on the results of their respective studies under paragraphs (2) and (3) of subsection (a).

["](d) *NEGOTIATIONS.*—The Secretary, working through the International Maritime Organization, is encouraged to enter into negotiations with the governments of foreign countries concerning the planning and implementation of measures aimed at the prevention and control of unintentional introductions of aquatic nuisance species in coastal waters.

(e) *REGIONAL RESEARCH GRANTS.*—Out of amounts appropriated to carry out this subsection for a fiscal year, the Secretary of the Smithsonian Institution shall—

(1) *award not to exceed \$750,000 to the Chesapeake Research Consortium to fund research on aquatic nuisance species prevention and control in the Chesapeake Bay through competitive grants to universities and research institutions;*

(2) *award not to exceed \$500,000 to the Louisiana Universities Marine Consortium to fund research on aquatic nuisance*

species prevention and control in the Gulf of Mexico through competitive grants to universities and research institutions;

(3) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Pacific Coast through competitive grants to universities and research institutions; and

(4) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Atlantic Coast through competitive grants to universities and research institutions.

(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

(A) ballasting practices;

(B) compliance with the guidelines issued pursuant to section 1101(c); and

(C) any other information obtained by the Task Force under subsection (b).

(2) REPORT.—In consultation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate Committees, on a biannual basis, a report that synthesizes and analyzes the data referred to in paragraph (1) relating to—

(A) ballast water delivery and management; and

(B) invasions of aquatic nuisance species resulting from ballast water.

SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.

(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

(a) TECHNOLOGIES AND PRACTICES DEFINED.—For purposes of this section, the term “technologies and practices” means those technologies and practices that—

(1) may be retrofitted—

(A) on existing vessels or incorporated in new vessel designs; and

(B) on existing land-based ballast water treatment facilities;

(2) may be designed into new water treatment facilities;

- (3) are operationally practical;
- (4) are safe for a vessel and crew;
- (5) are environmentally sound;
- (6) are cost-effective;
- (7) a vessel operator is capable of monitoring; and
- (8) are effective against a broad range of aquatic nuisance species.

(b) **DEMONSTRATION PROGRAM.**—

(1) **IN GENERAL.**—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic non-indigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.

(2) **LOCATION.**—The installation and construction of the technologies and practices used in the demonstration program conducted under this subsection shall be performed in the United States.

(3) **VESSEL SELECTION.**—In demonstrating technologies and practices on vessels under this subsection, the Secretary of the Interior, shall—

(A) use only vessels that—

- (i) are approved by the Secretary;
- (ii) have ballast systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and
- (iii) are—

(I) publicly or privately owned; and

(II) in active use for trade or other cargo shipment purposes during the demonstration;

(B) select vessels for participation in the program by giving priority consideration—

(i) first, to vessels documented under chapter 121 of title 46, United States Code;

(ii) second, to vessels that are a majority owned by citizens of the United States, as determined by the Secretary; and

(iii) third, to any other vessels that regularly call on ports in the United States; and

(C) seek to use a variety of vessel types, including vessels that—

(i) call on ports in the United States and on the Great Lakes; and

(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.

(4) **SELECTION OF TECHNOLOGIES AND PRACTICES.**—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National

Academy of Sciences in its report on ships' ballast operations issued in July 1996.

(5) *REPORT.*—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, the Secretary of the Interior shall prepare and submit a report to the appropriate Committees on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations of the Secretary of the Interior concerning technologies and practices.

(c) *AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.*—

(1) *AUTHORITIES.*—In conducting the demonstration program under subsection (b), the Secretary of the Interior may—

(A) enter into cooperative agreements with appropriate officials of other agencies of the Federal Government, agencies of States and political subdivisions thereof, and private entities;

(B) accept funds, facilities, equipment, or personnel from other Federal agencies; and

(C) accept donations of property and services.

(2) *CONSULTATION AND COOPERATION.*—The Secretary of the Interior shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section.

["Subtitle C—Prevention and Control of Aquatic Nuisance Species]

Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal

["SEC. 1201. ESTABLISHMENT OF TASK FORCE.

["(a) TASK FORCE.—There is hereby established an "Aquatic Nuisance Species Task Force".

["(b) MEMBERSHIP.—Membership of the Task Force shall consist of—

["(1) the Director;

["(2) the Under Secretary;

["(3) the Administrator of the Environmental Protection Agency;

["(4) the Commandant of the United States Coast Guard;

["(5) the Assistant Secretary; [and]

(6) the Secretary of Agriculture; and

["(6)] (7) the head of any other Federal agency that the chairpersons designated under subsection (d) deem appropriate.

["(c) EX OFFICIO MEMBERS.—The chairpersons designated under subsection (d) shall invite representatives of the Great Lakes Commission, the Lake Champlain Basin Program, the Chesapeake Bay Program, and State agencies and other governmental entities to participate as ex officio members of the Task Force.

["(d) CHAIRPERSONS.—The Director and the Under Secretary shall serve as co-chairpersons of the Task Force and shall be jointly responsible, and are authorized to undertake such activities as may be necessary, for carrying out this subtitle in consultation and cooperation with the other members of the Task Force.

["(e) MEMORANDUM OF UNDERSTANDING.—Within six months of the date of enactment of this Act, the Director and the Under Secretary shall develop a memorandum of understanding that describes the role of each in jointly carrying out this subtitle.

["(f) COORDINATION.—Each Task Force member shall coordinate any action to carry out this subtitle with any such action by other members of the Task Force, and regional, State and local entities.

["]SEC. 1202. AQUATIC NUISANCE SPECIES PROGRAM.

["(a) IN GENERAL.—The Task Force shall develop and implement a program for waters of the United States to prevent introduction and dispersal of aquatic nuisance species; to monitor, control and study such species; and to disseminate related information.

["(b) CONTENT.—The program developed under subsection (a) shall—

["(1) identify the goals, priorities, and approaches for aquatic nuisance species prevention, monitoring, control, education and research to be conducted or funded by the Federal Government;

["(2) describe the specific prevention, monitoring, control, education and research activities to be conducted by each Task Force member;

["(3) coordinate aquatic nuisance species programs and activities of Task Force members and affected State agencies;

["(4) describe the role of each Task Force member in implementing the elements of the program as set forth in this subtitle;

["(5) include recommendations for funding to implement elements of the program; and

["(6) develop a demonstration program of prevention, monitoring, control, education and research for the zebra mussel, to be implemented in the Great Lakes and any other waters infested, or likely to become infested in the near future, by the zebra mussel.

["(c) PREVENTION.—

["(1) IN GENERAL.—The Task Force shall establish and implement measures, within the program developed under subsection (a), to minimize the risk of introduction of aquatic nuisance species to waters of the United States, including—

["(A) identification of pathways by which aquatic organisms are introduced to waters of the United States;

["(B) assessment of the risk that an aquatic organism carried by an identified pathway may become an aquatic nuisance species; and

["(C) evaluation of whether measures to prevent introductions of aquatic nuisance species are effective and environmentally sound.

["(2) IMPLEMENTATION.—Whenever the Task Force determines that there is a substantial risk of unintentional intro-

duction of an aquatic nuisance species by an identified pathway and that the adverse consequences of such an introduction are likely to be substantial, the Task Force shall, acting through the appropriate Federal agency, and after an opportunity for public comment, carry out cooperative, environmentally sound efforts with regional, State and local entities to minimize the risk of such an introduction.

["(d) MONITORING.—The Task Force shall establish and implement monitoring measures, within the program developed under subsection (a), to—

["(1) detect unintentional introductions of aquatic nuisance species;

["(2) determine the dispersal of aquatic nuisance species after introduction; and

["(3) provide for the early detection and prevention of infestations of aquatic nuisance species in unaffected drainage basins.

["(e) CONTROL.—

["(1) IN GENERAL.—The Task Force may develop cooperative efforts, within the program established under subsection (a), to control established aquatic nuisance species to minimize the risk of harm to the environment and the public health and welfare. For purposes of this Act, control efforts include eradication of infestations, reductions of populations, development of means of adapting human activities and public facilities to accommodate infestations, and prevention of the spread of aquatic nuisance species from infested areas. Such control efforts shall be developed in consultation with affected Federal agencies, States, Indian Tribes, local governments, interjurisdictional organizations, and other appropriate entities. Control actions authorized by this section shall be based on the best available scientific information and shall be conducted in an environmentally sound manner.

["(2) DECISIONS.—The Task Force or any other affected agency or entity may recommend that the Task Force initiate a control effort. In determining whether a control program is warranted, the Task Force shall evaluate the need for control (including the projected consequences of no control and less than full control); the technical and biological feasibility and cost-effectiveness of alternative control strategies and actions; whether the benefits of control, including costs avoided, exceed the costs of the program; the risk of harm to non-target organisms and ecosystems, public health and welfare; and such other considerations the Task Force determines appropriate. The Task Force shall also determine the nature and extent of control of target aquatic nuisance species that is feasible and desirable.

["(3) PROGRAMS.—If the Task Force determines in accordance with paragraph (2) that control of an aquatic nuisance species is warranted, the Task Force shall develop a proposed control program to achieve the target level of control. A notice summarizing the proposed action and soliciting comments shall be published in the Federal Register, in major newspapers in the region affected, and in principal trade publications of the

industries affected. Within 180 days of proposing a control program, and after consultation with affected governmental and other appropriate entities and taking into consideration other comments received, the Task Force shall complete development of the proposed control program.

["(f) RESEARCH.—

["(1) PRIORITIES.—The Task Force shall, within the program developed under subsection (a), conduct research concerning—

["(A) the environmental and economic risks *and impacts* associated with the introduction of aquatic nuisance species into the waters of the United States;

["(B) the principal pathways by which aquatic nuisance species are introduced and dispersed;

["(C) possible methods for the prevention, monitoring and control of aquatic nuisance species; and

["(D) the assessment of the effectiveness of prevention, monitoring and control methods.

["(2) PROTOCOL.—Within 90 days of the date of enactment of this Act, the Task Force shall establish and follow a protocol to ensure that research activities carried out under this subtitle do not result in the introduction of aquatic nuisance species to waters of the United States.

["(3) GRANTS FOR RESEARCH.—The Task Force shall allocate funds authorized under this Act for competitive research grants to study all aspects of aquatic nuisance species, which shall be administered through the National Sea Grant College Program and the Cooperative Fishery and Wildlife Research Units. Grants shall be conditioned to ensure that any recipient of funds follows the protocol established under paragraph (2) of this subsection.

["(g) TECHNICAL ASSISTANCE.—The Task Force shall, within the program developed under subsection (a), provide technical assistance to State and local governments and persons to minimize the environmental, public health, and safety risks associated with aquatic nuisance species, including an early warning system for advance notice of possible infestations and appropriate responses.

["(h) EDUCATION.—The Task Force shall, with the program developed under subsection (a), establish and implement educational programs through Sea Grant Marine Advisory Services and any other available resources that it determines to be appropriate to inform the general public, State governments, governments of political subdivisions of States, and industrial and recreational users of aquatic resources in connection with matters concerning the identification of aquatic nuisance species, and control methods for such species, including the prevention of the further distribution of such species.

["(i) ZEBRA MUSSEL DEMONSTRATION PROGRAM.—

["(1) IN GENERAL.—The Task Force]

(1) ZEBRA MUSSEL.—

(A) IN GENERAL.—The Task Force shall, within the program developed under subsection (a), undertake a program of prevention, monitoring, control, education and research for the zebra mussel to be implemented in the Great Lakes

and any other waters of the United States infested or likely to become infested by the zebra mussel, including—

【“(A) research】

(i) *research* and development concerning the species life history, environmental tolerances and impacts on fisheries and other ecosystem components, and the efficacy of control mechanisms and means of avoiding or minimizing impacts;

【“(B) tracking】

(ii) *tracking* the dispersal of the species and establishment of an early warning system to alert likely areas of future infestations;

【“(C) development】

(iii) *development* of control plans in coordination with regional, State and local entities; and

【“(D) provision】

(iv) *provision* of technical assistance to regional, State and local entities to carry out this section.

【“(2) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—The Assistant Secretary, in consultation with the Task Force, shall develop a program of research and technology development for the environmentally sound control of zebra mussels in and around public facilities.】

(B) *PUBLIC FACILITY RESEARCH AND DEVELOPMENT.*—*The Assistant Secretary, in consultation with the Task Force, shall develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities. The Assistant Secretary shall collect and make available, through publications and other appropriate means, information pertaining to such control methods.*

(C) *VOLUNTARY GUIDELINES.*—*Not later than 1 year after the date of enactment of this subparagraph, the Task Force shall develop and submit to the Secretary voluntary guidelines for controlling the spread of the zebra mussel and, if appropriate, other aquatic nuisance species through recreational activities, including boating and fishing. Not later than 4 months after the date of such submission, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines that are based on the guidelines developed by the Task Force under this subparagraph.*

(2) *DISPERSAL CONTAINMENT ANALYSIS.*—

(A) *RESEARCH.*—*The Administrator of the Environmental Protection Agency, in cooperation with the National Science Foundation and the Task Force, shall provide research grants on a competitive basis for projects that—*

(i) *identify environmentally sound methods for controlling the dispersal of aquatic nuisance species, such as the zebra mussel; and*

(ii) *adhere to research protocols developed pursuant to subsection (f)(2).*

(B) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to the Environmental Protection Agency to carry out this paragraph, \$500,000.*

(3) *DISPERSAL BARRIER DEMONSTRATION.*—

(A) *IN GENERAL.*—*The Assistant Secretary, in consultation with the Task Force, shall investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.*

(B) *REPORT.*—*Not later than 18 months after the date of enactment of this paragraph, the Assistant Secretary shall issue a report to the appropriate Committees that includes recommendations concerning—*

(i) which of the methods that are identified under the study conducted under this paragraph are most promising with respect to preventing and reducing the dispersal of aquatic nuisance species; and

(ii) ways to incorporate those methods into ongoing operations of the United States Army Corps of Engineers that are conducted at the Chicago River Ship and Sanitary Canal.

(C) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to the Department of the Army, to carry out this paragraph, \$750,000.*

(4) *CONTRIBUTIONS.*—*To the extent allowable by law, in carrying out the studies under paragraphs (2) and (3), the Administrator of the Environmental Protection Agency and the Secretary of the Army may enter into an agreement with an interested party under which that party provides in kind or monetary contributions for the study.*

(5) *TECHNICAL ASSISTANCE.*—*The Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration shall provide technical assistance to the Lake Champlain Research Consortium to assist in the research conducted by that consortium pursuant to this subsection.*

["(j) *IMPLEMENTATION.*—

["(1) *REGULATIONS.*—[Not later than 18 months after the date of the enactment of this Act, the Director] *The Director, the Secretary, and the Under Secretary may issue such rules and regulations as may be necessary to implement this section.*

["(2) *PARTICIPATION OF OTHERS.*—*The Task Force shall provide opportunities for affected Federal agencies which are not part of the Task Force, State and local government agencies, and regional and other entities with the necessary expertise to participate in control programs. If these other agencies or entities have sufficient authority or jurisdiction and expertise and where this will be more efficient or effective, responsibility for implementing all or a portion of a control program may be delegated to such agencies or entities.*

["(k) *REPORTS.*—

【“(1) Not later than 12 months after the date of enactment of this Act, the Task Force shall submit a report describing the program developed under subsection (a), including the research protocol required under subsection (f)(2), to the appropriate Committees.

【“(2) On an annual basis after the submission of the report under paragraph (1), the Task Force shall submit a report to the appropriate Committees detailing progress in carrying out this section.

【“SEC. 1203. GREAT LAKES REGIONAL COORDINATION.”】

SEC. 1203. REGIONAL COORDINATION.

【“(a) IN GENERAL.—Not】

(a) *GREAT LAKES PANEL.*—

(1) *IN GENERAL.*—Not later than 30 days following the date of enactment of this Act, the Task Force shall request that the Great Lakes Commission (established under Article IV of the Great Lakes Compact to which the Congress granted consent in the Act of July 24, 1968, P.L. 90–419) convene a panel of Great Lakes *region* representatives from Federal, State and local agencies and from private environmental and commercial interests to—

【“(1) identify】

(A) *identify* priorities for the Great Lakes *region* with respect to aquatic nuisance species;

【“(2) make】

(B) *make* recommendations to the Task Force regarding programs to carry out section 1202(i) of this Act;

【“(3) assist】

(C) *assist* the Task Force in coordinating Federal aquatic nuisance species program activities in the Great Lakes *region*;

【“(4) coordinate】

(D) *coordinate*, where possible, aquatic nuisance species program activities in the Great Lakes *region* that are not conducted pursuant to this Act;

【“(5) provide】

(E) *provide* advice to public and private individuals and entities concerning methods of controlling aquatic nuisance species; and

【“(6) submit】

(F) *submit* annually a report to the Task Force describing activities within the Great Lakes *region* related to aquatic nuisance species prevention, research, control.

【“(b) CONSULTATION.—The Task Force】

(2) *CONSULTATION.*—*The Task Force* shall request that the Great Lakes Fishery Commission provide information to the panel convened under this 【section】 *subsection* on technical and policy matters related to the international fishery resources of the Great Lakes.

【“(c) CANADIAN PARTICIPATION.—The panel】

(3) *CANADIAN PARTICIPATION.*—*The panel* convened under this 【section】 *subsection* is encouraged to invite representa-

tives from the Federal, provincial or territorial governments of Canada to participate as observers.

(b) *WESTERN REGIONAL PANEL.*—Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to—

(1) identify priorities for the Western region with respect to aquatic nuisance species;

(2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

(3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;

(4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;

(5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.”

(c) *ADDITIONAL REGIONAL PANELS.*—The Task Force shall—

(1) encourage the development and use of regional panels and other similar entities in regions in addition to the Great Lakes and Western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsections (a) and (b); and

(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).

[“]SEC. 1204. STATE AQUATIC NUISANCE SPECIES MANAGEMENT PLANS.

[“(a) STATE PLAN.—

[“(1) IN GENERAL.—The Governor of each State may, after notice and opportunity for public comment, prepare and submit—**]**

(a) STATE OR INTERSTATE INVASIVE SPECIES MANAGEMENT PLANS.—

(1) IN GENERAL.—After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit—

[“(A) a comprehensive management plan to the Task Force for approval which identifies those areas or activities within the State or within the interstate region involved, other than those related to public facilities, for which [technical and financial assistance] technical, enforcement, or financial assistance (or any combination thereof) is needed to eliminate or reduce the environmental, public

health, and safety risks associated with aquatic nuisance species, particularly the zebra mussel; and

【“(B) a public facility management plan to the Assistant Secretary for approval which is limited solely to identifying those public facilities within the State *or within the interstate region involved* for which technical and financial assistance is needed to reduce infestations of zebra mussels.

【“(2) CONTENT.—Each plan shall, to the extent possible, identify the management practices and measures that will be undertaken to reduce infestations of aquatic nuisance species. Each plan shall—

【“(A) identify and describe State and local programs for environmentally sound prevention and control of the target aquatic nuisance species;

【“(B) identify Federal activities that may be needed for environmentally sound prevention and control of aquatic nuisance species and a description of the manner in which those activities should be coordinated with State and local government activities; [and]

(C) *identify any authority that the State (or any State or Indian tribe involved in the interstate organization) does not have at the time of the development of the plan that may be necessary for the State (or any State or Indian tribe involved in the interstate organization) to protect public health, property, and the environment from harm by aquatic nuisance species; and*

【“(C)】 (D) a schedule of implementing the plan, including a schedule of annual objectives, *and enabling legislation.*

【“(3) CONSULTATION.—

【“(A) In developing and implementing a management plan, the State *or interstate organization* should, to the maximum extent practicable, involve local governments and regional entities, *Indian tribes*, and public and private organizations that have expertise in the control of aquatic nuisance species.

【“(B) Upon the request of a State *or the appropriate official of an interstate organization*, the Task Force or the Assistant Secretary, as appropriate under paragraph (1), may provide technical assistance in developing and implementing a management plan.

【“(4) PLAN APPROVAL.—Within 90 days after the submission of a management plan, the Task Force or the Assistant Secretary in consultation with the Task Force, as appropriate under paragraph (1), shall review the proposed plan and approve it if it meets the requirements of this subsection or return the plan to the Governor *or the interstate organization* with recommended modifications.

【“(b) GRANT PROGRAM.—

【“(1) STATE GRANTS.—The Director [or the Assistant Secretary, as appropriate under subsection (a),] may, at the recommendation of the Task Force, make grants to States with

[approved management plans] *management plans approved under subsection (a)* for the implementation of those plans.

["(2) APPLICATION.—An application for a grant under this subsection shall include an identification and description of the best management practices and measures which the State proposes to utilize in implementing an approved management plan with any Federal assistance to be provided under the grant.

["(3) FEDERAL SHARE.—

["(A) The Federal share of the cost of each comprehensive management plan implemented with Federal assistance under this section in any fiscal year shall not exceed 75 percent of the cost incurred by the State in implementing such management program and the non-Federal share of such costs shall be provided from non-Federal sources.

["(B) The Federal share of the cost of each public facility management plan implemented with Federal assistance under this section in any fiscal year shall not exceed 50 percent of the cost incurred by the State in implementing such management program and the non-Federal share of such costs shall be provided from non-Federal sources.

["(4) ADMINISTRATIVE COSTS.—For the purposes of this section, administrative costs for activities and programs carried out with a grant in any fiscal year shall not exceed 5 percent of the amount of the grant in that year.

["(5) IN-KIND CONTRIBUTIONS.—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(c) ENFORCEMENT ASSISTANCE.—*Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141 of title 14, United States Code, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan.*

["SEC. 1205. RELATIONSHIP TO OTHER LAWS.

["All actions taken by Federal agencies in implementing the provisions of section 1202 shall be consistent with all applicable Federal, State, and local environmental laws. Nothing in this title shall affect the authority of any State or political subdivision thereof to adopt or enforce control measures for aquatic nuisance species, or diminish or affect the jurisdiction of any State over species of fish and wildlife. Compliance with the control and eradication measures of any State or political subdivision thereof regarding aquatic nuisance species shall not relieve any person of the obligation to comply with the provisions of this subtitle.

(16 U.S.C. 4725)

["SEC. 1206. INTERNATIONAL COOPERATION.

["(a) ADVICE.—The Task Force shall provide timely advice to the Secretary of State concerning aquatic nuisance species that infest waters shared with other countries.

["(b) NEGOTIATIONS.—The Secretary of State, in consultation with the Task Force, is encouraged to initiate negotiations with the governments of foreign countries concerning the planning and implementation of prevention, monitoring, research, education, and control programs related to aquatic nuisance species infesting shared water resources.

(16 U.S.C. 4726)

["SEC. 1207. INTENTIONAL INTRODUCTIONS POLICY REVIEW.

["Within one year of the date of enactment of this Act, the Task Force shall, in consultation with State fish and wildlife agencies, other regional, State and local entities, potentially affected industries and other interested parties, identify and evaluate approaches for reducing the risk of adverse consequences associated with intentional introduction of aquatic organisms and submit a report of their findings, conclusions and recommendations to the appropriate Committees.

(16 U.S.C. 4727)

["SEC. 1208. INJURIOUS SPECIES.

["Section 42(a) of title 18, United States Code is amended by inserting "of the zebra mussel of the species *Dreissena polymorpha*;" after "Pteropus;"

["SEC. 1209. BROWN TREE SNAKE CONTROL PROGRAM.

["The Task Force shall, within the program developed under subsection (a), undertake a comprehensive, environmentally sound program in coordination with regional, territorial, State and local entities to control the brown tree snake (*Boiga irregularis*) in Guam and other areas where the species is established outside of its historic range.

["Subtitle D—Authorizations of Appropriation

["SEC. 1301. AUTHORIZATIONS.

["(a) PREVENTION OF UNINTENTIONAL INTRODUCTIONS.—There are authorized to be appropriated to develop and implement the provisions of subtitle B—

["(1) \$500,000 until the end of fiscal year 1992 to the Secretary to carry out sections 1101 and 1102(a)(3);

["(2) \$2,000,000 until the end of fiscal year 1992 to the Director and Under Secretary to carry out the studies under sections 1102(a)(1) and 1102(a)(2); [and]

["(3) \$1,000,000 for each of fiscal years 1993, 1994, and 1995 to the Secretary for implementation and enforcement of the regulations promulgated under section 1101.]

(3) to the Secretary to carry out section 1101—

(A) \$2,000,000 for each of fiscal years 1997 and 1998;
and

(B) \$3,000,000 for each of fiscal years 1999 through 2002;

(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—

- (A) \$1,000,000 to the Department of the Interior, to be used by the Director; and
- (B) \$1,000,000 to the Secretary; and
- (5) for each of fiscal years 1997 through 2002—
- (A) \$2,250,000 to the Secretary of the Smithsonian Institution to carry out section 1102(e); and
- (B) \$500,000 to the Secretary to carry out section 1102(f).
- 【“(b) TASK FORCE AND AQUATIC NUISANCE SPECIES PROGRAM.—There are authorized to be appropriated for each of fiscal years [1991, 1992, 1993, 1994, and 1995] 1997 through 2002 to develop and implement the provisions of subtitle C—
- 【“(1) \$7,000,000 to the Director to carry out sections 1202 and 1209;
- 【“(2) \$5,000,000 to the Under Secretary to carry out section 1202;
- 【“(3) \$1,125,000 to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration;
- 【“(4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:
- 【“(A) \$3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, \$2,500,000 to fund grants in the Great Lakes region; and
- 【“(B) \$1,675,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;
- 【“(5) \$500,000 to fund Sea Grant Marine Advisory Services education and technical assistance related to infestations of zebra mussels under sections 1202(g) and (h);
- 【“(6) \$200,000 to fund aquatic nuisance species prevention and control activities of the Great Lakes Commission; and
- 【“(7) \$2,000,000 to the Assistant Secretary to carry out section 1202(i)(2).
- 【“(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to make grants under section 1204—
- 【“(1) \$2,500,000 to the Director; and
- 【“(2) \$5,000,000 to the Assistant Secretary.】
- (1) \$6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;
- (2) \$1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;
- (3) \$1,625,000 to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration and the Lake Champlain Research Consortium, of which \$500,000 shall be used by the Lake Champlain Research Consortium;
- (4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:

(A) \$4,000,000 to fund grants under section 206 of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322); and

(B) \$1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;

(5) \$3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and

(6) \$300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 1203, of which \$100,000 shall be used to fund activities of the Great Lakes Commission.

(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1997 through 2002 \$4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which \$1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species.

["(d) INTENTIONAL INTRODUCTIONS POLICY REVIEW.—There are authorized to be appropriated for fiscal year 1991, \$500,000 to the Director and the Under Secretary to conduct the intentional introduction policy review under section 1207.

(e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Department of the Interior \$2,500,000 to carry out section 1104.

[“]Subtitle E—Cooperative Environmental Analyses

[“]SEC. 1401. ENVIRONMENTAL IMPACT ANALYSES.

["The Secretary of State, in consultation with the Council on Environmental Quality, is encouraged to enter into negotiations with the governments of Canada and Mexico to provide for reciprocal cooperative environmental impact analysis of major Federal actions which have significant transboundary effects on the quality of the human environment in the United States, Canada, and Mexico.

[“]TITLE II—GREAT LAKES FISH AND WILDLIFE RESTORATION

[“]SECTION 2001. SHORT TITLE.

["This title may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 1990”.

[“]SEC. 2002. FINDINGS.

["The Congress finds and declares the following:

["(1) As the human population of the Great Lakes Basin has expanded to over 35,000,000 people, great demands have

been placed on the lakes for use for boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands exert pressure on the fish and wildlife resources of the Great Lakes Basin, including in the form of contaminants, invasion by nonindigenous species, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

["](2) The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5,000,000 people annually and commercial fisheries providing approximately 9,000 jobs. Together, these fisheries generate economic activity worth more than \$4,400,000,000 annually to the United States.

["](3) The availability of a suitable forage base is essential to lake trout, walleye, yellow perch, and other recreational and commercially valuable fishery resources of the Great Lakes Basin. Protecting and restoring productive fish habitat, including by protecting water quality, is essential to the successful recovery of Great Lakes Basin fishery resources.

["](4) The Great Lakes Basin contains important breeding and migration habitat for all types of migratory birds. Many migratory bird species dependent on deteriorating Great Lakes Basin habitat have suffered serious population declines in recent years.

["](5) Over 80 percent of the original wetlands in the Great Lakes Basin have been destroyed and such losses continue at a rate of 20,000 acres annually.

["](6) Contaminant burdens in the fish and wildlife resources of the Great Lakes Basin are substantial and the impacts of those contaminants on the life functions of important fish and wildlife resources are poorly understood. Concern over the effects of those contaminants on human health have resulted in numerous public health advisories recommending restricted or no consumption of Great Lakes fish.

["](7) The lower Great Lakes are uniquely different from the upper Great Lakes biologically, physically, and in the degree of human use and shoreline development, and special fishery resource assessments and management activities are necessary to respond effectively to these special circumstances.

["]SEC. 2003. PURPOSE.

["]The purposes of this Act are—

["](1) to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;

["](2) to develop proposals to implement recommendations resulting from that study; and

["](3) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat of the Great Lakes Basin.

["]SEC. 2004. DEFINITIONS.

["]In this Act—

["(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

["(2) the term "Director" means the Director of the United States Fish and Wildlife Service;

["(3) the term "fish stock" means—

["(A) a taxonomically distinct species or subspecies of fish; or

["(B) any other aggregation of fish that are geographically, ecologically, behaviorally, or otherwise limited from breeding with individuals from other groups of fish and are capable of management as a unit;

["(4) the term "Great Lakes Basin" means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

["(5) the term "Indian Tribe" means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

["(6) the term "lower Great Lakes" means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

["(7) the term "upper Great Lakes" means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.

["(8) the term "nonindigenous species" means a species of plant or animal that did not occur in the Great Lake Basin before European colonization of North America;

["(9) the term "Secretary" means the Secretary of the Army; and

["(10) the term "State Director" means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State.

["SEC. 2005. GREAT LAKES FISHERY RESOURCES RESTORATION STUDY.

["(a) IN GENERAL.—The Director shall conduct a comprehensive study of the status of, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes Basin and shall provide the opportunity for the Secretary, the Administrator, State Directors, Indian Tribes, the Great Lakes Fishery Commission, appropriate Canadian Government entities, and other appropriate entities to participate in the study. The Director shall complete the study by October 1, 1994.

["(b) MEMORANDUM OF UNDERSTANDING.—To provide opportunities for the full participation of all affected entities in the planning and conduct of the study, the Director shall invite the entities identified in subsection (a) to enter into a memorandum of understand-

ing regarding the scope and focus of the study and the responsibilities of each participant for conducting the study.

["](c) CONTENT OF STUDY.—A study under this section shall include, but not be limited to—

["](1) identifying and describing the component drainages of the Great Lakes Basin (including the drainage for each of the Great Lakes), analyzing how the characteristics and current or expected land and water uses of those drainages have affected, and can be expected to affect in the future, the fishery resources and fish habitats of the Great Lakes Basin;

["](2) analyzing historical fishery resource data for the Great Lakes Basin to identify the causes of past and continuing declines of the fishery resources and the impediments to restoring those resources;

["](3) evaluating the adequacy, effectiveness, and consistency of current Great Lakes interagency fisheries management plans and Federal and State water quality programs, with respect to their effects on Great Lakes fishery resources;

["](4) analyzing the impacts of, and management control alternatives for, recently introduced nonindigenous species, including the zebra mussel, the ruffe, and the spiny water flea in accordance with the Aquatic Nuisance Prevention and Control Act of 1990;

["](5) developing recommendations regarding—

["](A) an action plan to analyze the effects of contaminant levels on fishery resources;

["](B) an action plan for the cooperative restoration and enhancement of depleted, nationally significant fish stocks, including lake trout, yellow perch, lake sturgeon, walleye, forage fish, and Atlantic salmon;

["](C) planning and technical assistance that should be provided to the Great Lakes Fisheries Commission, States, and Indian Tribes to assist their fishery resource restoration efforts;

["](D) mitigation measures to restore and enhance fishery resources adversely affected by past Federal (including federally assisted or approved) water resource development projects and other activities;

["](E) increasing the involvement of the International Joint Commission, the Great Lakes Commission, the Great Lakes Fishery Commission, and other interjurisdictional entities regarding fishery resources protection, restoration, and enhancement;

["](F) research projects and data gathering initiatives regarding population trends of fish stocks, including population abundance and structure, interspecific competition, survival rates, and behavioral patterns;

["](G) important fishery resource habitat and other areas that should be protected, restored, or enhanced for the benefit of Great Lakes fishery resources;

["](H) how private conservation organizations, recreational and commercial fishing interests, the aquaculture industry, and the general public could contribute to the implementation of the fishery resource restoration and

enhancement recommendations developed pursuant to this Act; and

["(I) appropriate contributions that should be made by States and other non-Federal entities to the cost of activities undertaken to implement the recommendations, including a description of—

["(i) the activities that shall be cost-shared;

["(ii) the entities or individuals which shall share the costs of those activities;

["(iii) the proportion of appropriate project and activity costs that shall be borne by non-Federal interests; and

["(iv) how the entities or individuals who share costs should finance their contribution.

["(d) PROPOSALS FOR IMPLEMENTING RECOMMENDATIONS.—The Director shall develop proposals for implementing the recommendations of the study developed under subsection (c)(5). The proposals shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, State and tribal fishery management jurisdiction, and the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources.

["SEC. 2006. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

["In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

["(1) Restoring and maintaining self-sustaining fishery resource populations.

["(2) Minimizing the impacts of contaminants on fishery and wildlife resources.

["(3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.

["(4) Stopping illegal activities adversely impacting fishery and wildlife resources.

["(5) Restoring threatened and endangered species to viable, self-sustaining levels.

["(6) Protecting, managing, and conserving migratory birds.

["SEC. 2007. ESTABLISHMENT OF OFFICES.

["(a) GREAT LAKES COORDINATION OFFICE.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the "Great Lakes Coordination Office". The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.

["(b) LOWER GREAT LAKES FISHERY RESOURCES OFFICE.—The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and

Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes. The office shall be known as the “Lower Great Lakes Fishery Resources Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

【“(c) UPPER GREAT LAKES FISHERY RESOURCES OFFICES.—The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes. Each of the offices shall be known as an “Upper Great Lakes Fishery Resources Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

【“(SEC. 2008. ANNUAL REPORTS.

【“(Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Each such report shall describe—

【“(1) the progress and findings of the studies conducted under section 2005, including recommendations of implementing activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

【“(2) activities undertaken to accomplish the goals stated in section 2006.

【“(SEC. 2009. AUTHORIZATION OF APPROPRIATIONS.

【“(a) There are authorized to be appropriated to the Director—

【“(1) for conducting a study under section 2005 not more than \$4,000,000 for each of fiscal years 1991 through 1994;

【“(2) to establish and operate the Great Lakes Coordination Office under section 2008(a) and Upper Great Lakes Fishery Resources Offices under section 2008(c), not more than \$4,000,000 for each of fiscal years 1991 through 1995; and

【“(3) to establish and operate the Lower Great Lakes Fishery Resources Offices under section 2008(b), not more than \$2,000,000 for each of fiscal years 1991 through 1995.

【“(b) There are authorized to be appropriated to the Secretary to carry out this Act, not more than \$1,500,000 for each of fiscal years 1991 through 1995.【”.]

* * * * *

【“(TITLE IV—GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT

【“(SEC. 4001. SHORT TITLE.

【“(This title may be cited as the “Great Lakes Oil Pollution Research and Development Act”.

[“]SEC. 4002. GREAT LAKES OIL POLLUTION RESEARCH AND DEVELOPMENT.

[“]Section 7001 of the Oil Pollution Act of 1990 (Public Law 101-380) is amended as follows:

[“](1) GREAT LAKES DEMONSTRATION PROJECT.—In subsection (c)(6), strike “3” and insert “4”, strike “and” after “California,” and insert “and (D) ports on the Great Lakes,” after “Louisiana,”.

[“](2) FUNDING.—In subsection (f) strike “21,250,000” and insert “22,000,000” and in subsection (f)(2) strike “2,250,000” and insert “3,000,000”.[”.]

CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington DC, September 17, 1996.

Hon. BENJAMIN A. GILMAN,
*Chairman, Committee on International Relations, Rayburn House
Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: As you know, the Transportation and Infrastructure Committee ordered reported H.R. 3217 (the “National Invasive Species Act of 1996”) on September 12, 1996.

I recognize the Committee on International Relations has an interest in sections 1101(h) and 1101(i), which relate to international matters. I appreciate your decision not to seek a sequential referral of the bill and acknowledge this is not to be construed as a waiver of your Committee’s jurisdiction.

Thank you for your cooperation and that of your staff.

With kind personal regards, I remain,

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 17, 1996.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, Ray-
burn HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of September 17, 1996, in regard to your committee’s consideration of H.R. 3217, the National Invasive Species Act.

It is my understanding that sections 1101(h) and 1101(I) of the legislation, relating to consultation with Canada, Mexico and other foreign governments in developing appropriate guidelines and regulations and other aspects of international cooperation designed to prevent the unintentional introduction and spread of nonindigenous species, affect matters within the jurisdiction of the International Relations Committee.

In light of your desire to move this legislation expeditiously, I will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this committee’s jurisdiction over the provisions in question. I will

seek to have conferees appointed for these provisions during any House-Senate conference committee.

Thank you for your cooperation in this matters.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 19, 1996.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 19, 1996, regarding H.R. 3217, the National Invasive Species Act of 1996.

I agree the National Security Committee would be successful in obtaining a sequential referral of the proposed section 1103, Armed Services Ballast Water Programs.

As noted in your letter, your decision not to seek a sequential referral should not be construed as a waiver of the National Security Committee's jurisdiction.

I appreciate your cooperation and the cooperation of your staff.

With kind personal regards, I remain

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, September 19, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House
of Representatives, Washington, DC.

DEAR BUD: I understand the Committee on Transportation and Infrastructure has recently ordered reported H.R. 3217, the National Invasive Species Act of 1996. The bill includes a provision relating to naval ballast water programs that falls within the legislative jurisdiction of the Committee on National Security pursuant to House Rule X.

In recognition of your committee's desire to bring this legislation expeditiously before the House of Representatives, the Committee on National Security will forego a request for sequential referral of the bill, without waiving or diminishing this committee's jurisdiction over issues with which it is concerned. Of course, this committee will seek the appointment of conferees with respect to provisions within its legislative jurisdiction during any conference on the bill. I also request that this letter be printed in your committee's report on this legislation.

Thank you for your assistance and prompt attention to this matter, and I look forward to supporting H.R. 3217 on the House floor.

With warm personal regards, I am
Sincerely,

FLOYD D. SPENCE, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 18, 1996.

Hon. PAT ROBERTS,
*Chairman, Committee on Agriculture, Longworth House Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of September 16, 1996 regarding H.R. 3217, the National Invasive Species Act of 1996, which the Transportation and Infrastructure Committee ordered reported on September 12, 1996.

I recognize the Committee on Agriculture has a jurisdictional interest in some provisions of the bill that relate to the programs and activities of the Department of Agriculture. I appreciate your decision not to seek a sequential referral of the bill and acknowledge this is not to be construed as a waiver of your Committee's jurisdiction.

Thank you for your cooperation and that of your staff.

With kind personal regards, I remain.

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 16, 1996.

Hon. BUD SHUSTER,
*Committee on Transportation and Infrastructure, Rayburn HOB,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN SHUSTER: Last Friday the Counsel for this Committee received a telephone call from a representative of your Committee informing him last week your Committee had reported H.R. 3217, the "National Invasive Species Act of 1996", as amended by an Amendment in the Nature of a Substitute. A copy of the latter Amendment was provided to this Committee.

There are two principal provisions in the Amendment in the Nature of a Substitute that I believe have an effect on the jurisdiction of this Committee. The first relates to the appointment of the Secretary of Agriculture as a member of the "Aquatic Nuisance Species Task Force" (page 30 of the Amendment). The other provision (page 19 of the Amendment) relates to the "Coordination With Other Agencies" that would permit the Secretary of Transportation to use the facilities, personnel, etc. of agencies and organizations that have contacts with vessels, "including the Animal and Plant Health Inspection Service [APHIS] of the Department of Agriculture".

With respect to the provision that applies to APHIS, it is not clear whether there would be reimbursement to APHIS for such services, etc. One reason I mention this is that a good part of the budget of APHIS is funded by user fees that are deposited in the Treasury and then an appropriation is enacted to provide operating

funds for APHIS. However, in recent years the importers, who are the principal source of substantial fees (such as airlines), have complained that less funds are appropriated than are collected in fees and thus the services provided are currently strained to meet demands. If there would be reimbursement to APHIS, that would address a concern of this Committee. On the other hand, if the claim for services on APHIS caused problems with these funds that have substantial fee-based origins, there could be a future problem with "coordination" by APHIS.

Finally, addressing the addition of the Secretary of Agriculture to the Task Force I understand that there is currently an "ex officio" status for the Secretary), I would suggest that the term "appropriate Committees" be amended so that it encompassed the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. Insofar as that term applied to this Committee, it probably would merely result in receiving an occasional copy of an existing report made to other committees. (See copy of a proposed amendment attached.)

Please advise me how you might propose to address these two issues.

Sincerely,

PAT ROBERTS, *Chairman*.

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